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Art and Society

The Malignant Object: Thoughts on Public Sculpture
Douglas Stalker & Clark Glymour

Art and Anxiety: The Writing on the Museum Wall
Mark Lilla

Dissent from "The Malignant Object"
Wolf Von Eckardt / John Beardsley / Ronald Lee Fleming / Edward Levine

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Shouldn't Low-Income Fathers Support Their Children?
Blanche Bernstein

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The malignant object: thoughts on public sculpture

DOUGLAS STALKER & CLARK GLYMOUR

MILLIONS of dollars are spent in this country on public sculpture—on sculpture that is created for the explicit purpose of public viewing, placed in public settings, and constructed generally by contemporary artists without any intention of commemorating or representing people or events associated with the site. The objects in question may be clothespins, boulders, or tortuous steel shapes. The money may sometimes come from private sources, but much of it comes from public treasuries.

One of the clearest and most general attempts to provide a justification for financing and placing these objects in public spaces is given by Janet Kardon, who is the Director of Philadelphia's Institute of Contemporary Art. "Public art," Ms. Kardon writes, "is not a style or a movement, but a compound social service based on the premise that public well-being is enhanced by the presence of large scale art works in public spaces." Large scale art works executed, to be sure, not to public taste but to the taste of the avant-garde art community. Elsewhere, she writes: "Public art is not a style, art movement or public service, but a compound event, based on the premise that our lives are enhanced by good art and that good art means work by advanced artists thrust into the public domain." [1] The justification here is moral rather than aesthetic, phrased

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in terms of well-being rather than those of beauty. Public art is good for us. Her thesis is put simply and with clarity; it is perhaps the same thesis as that put forward by many writers who claim that public art "enhances the quality of life" or "humanizes the urban environment," even "speaks to the spirit."

Our view is that much public sculpture, and public art generally as it is created nowadays in the United States, provides at best trivial benefits to the public, but does provide substantial and identifiable harm. This is so for a variety of reasons having to do with the character of contemporary artistic enterprises and with prevalent features of our society as well. We will discuss these issues in due course, but for now we want to make our view as clear as we can.

There is abundant evidence, albeit circumstantial, pointing directly to the conclusion that many pieces of contemporary public sculpture, perhaps the majority, are not much enjoyed by the public at large—even though the public firmly believes in a general way that art is a very good thing. In short, the outright aesthetic benefits are few and thin. Perhaps the public is wrong in its distaste or indifference, perhaps members of the public *ought* to take (in some moral sense, if you like) more pleasure in these objects thrust upon them, but these questions are wholly beside the point. Government, at whatever level, only has a legitimate interest in publicly displaying contemporary art in so far as that display provides *aesthetic* benefits to the ciitzenry. Many artists, critics and art administrators think otherwise, and claim for contemporary public sculpture, and for contemporary art more generally, various intellectual, pedagogical, or economic virtues which are appropriate for the state to foster. By and large the objects in question have no such virtues, so even if governments did wish to foster them, they could not properly or efficiently do so by placing contemporary sculpture in public environs. Further, there are identifiable harms caused by public contemporary art. These harms are akin in structure, though perhaps not in degree, to the harms often said to be caused by the public display of pornography. After considering the arguments developed subsequently, we hope the reader will conclude that this last contention is not so outrageous as it may seem to be at the outset. Thus, our argument runs, public contemporary sculpture does little or nothing to enhance the quality of life generally, and governments have no intrinsic interest in promoting it. Whatever legitimacy there is to government support of such displays derives from the tradition of serving the special interests of a very limited group of citizens—those served,

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for example, by museums of contemporary art. But this justification is overwhelmed by the fact that publicly displayed contemporary sculpture causes significant offense and harm, and does so in a way that intrudes repeatedly into people's normal living routines.

Doubtless some people will misread our argument and take it to be an attack on contemporary art *per se*. Our reasoning in no way depends on whether contemporary art is in general good or bad, or on whether particular pieces are or are not good art. It depends only on the facts (or what we claim to be facts) that much of the public derives minimal aesthetic pleasure from such contemporary art as is publicly displayed, that a significant segment of the public is offended and harmed by such displays, and that governments have, in these circumstances, no legitimate interest in furthering *public* art. Accordingly, this view is in no way a denigration of contemporary art; it is, however, a denigration of certain accounts of the value of that art, specifically those which find in the works of various artists, or schools of artists, vital lessons which the public desperately needs to learn.

Public opinion of public sculpture

Contemporary public art is public *contemporary* art, and there is considerable evidence that the communities into which it is "thrust" do not revere it, like it, or (sometimes) even tolerate it. Examples abound, and we offer only a few that are representative.

In October 1980 a piece of public statuary was unveiled in Wilmington, Delaware. The piece was executed by Richard Stankiewicz, known for his "junk" art of the 1950's. The unveiling was received with cat-calls and denunciations from much of the public audience. In Pittsburgh, there has been popular, organized resistance to a proposal to build a piece of modern cement sculpture on a vacant lot on the North Side of the city. The people of the North Side, a middle-class working community, want a fountain not a piece of modern sculpture. (It may or may not be relevant that the sculptor is not a resident of the community, but lives in the Squirrel Hill district of Pittsburgh, a predominantly affluent and academic neighborhood.)

Alexander Calder and Claes Oldenburg have each left a work in the city of Chicago. One rarely hears anything good said of them by Chicagoans who dwell outside of the Art Institute of Chicago. Away from the shadows and in the sunshine of the Letter-to-the-Editor columns, there is dismay at Calder's "Flamingo" and Olden-

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burg's "Batcolumn." But the public dislike for these works hardly compares with the crescendo of distaste for a recent exercise in "Rag Art" at Chicago's Federal Building. A typical response to the exhibition bears quoting:

> Q. Please tell me how to complain about those unsightly canvas rags that have been wrapped around the pillars of the John C. Luzinski Federal Building. Those rags are a disgrace. While you're at it, what's all that scrap metal doing strewn around? Many blind people go in and out of the building, and it's a wonder no one trips over this garbage.
>
> F. G., Franklin Park [2]

The *Chicago Sun-Times* kindly informed the resident of Franklin Park that "the rags and scrap metal are objects d'art," which would have to be tolerated through December of 1978. And so into the winter of that year pedestrians in the Second City had to suffer the assaults of both the elements and the artistes.

In 1977, Carl Andre, the well-know "minimal" artist, executed a public sculpture for the city of Hartford, Connecticut for $87,000. Andre's "Stone Field Sculpture" consists of 36 boulders deposited in rows on a lawn. Mr. Andre has assured us privately that "Stone Field Sculpture" seems to have settled rather nicely into Hartford, and that there is no real public outrage directed at it. His assurance notwithstanding, the *Hartford Courant* was filled with articles like these in the summer and fall of 1977: "Criticisms of Park Art Doesn't Rock Sculptor"; "Sculpture Foes Shaping Plans"; "Rock Opponents Tighten Stand." Taking note of this public indignation and even joining it, the city fathers considered refusing payment but were advised by attorneys that the contract with Andre was valid and binding. Works by Sugarman, Ginnevar, di Suvero, and other sculptors have created even more intense controversy in other cities, not simply because the public objected to paying for the works, but because significant segments did not want the objects publicly displayed in the settings into which they had been, or were to be, thrust. (These cases, and many more, are recorded apologetically in Donald W. Thalacker's book, *The Place of Art in the World of Architecture.*)

The public distaste for today's public sculpture often goes well beyond mere words. The common responses include petitions, assemblies, litigation, and, occasionally, direct action. Enraged by what is thrust at them, the public often takes up a kind of vigilantism against contemporary public sculpture, and in community after community spontaneous bands of Aesthetic Avengers form, armed

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with hammers, chisels, and spray-paint cans. Jody Pinto's "Heart Chambers for Gertrude and Angelo," erected on the University of Pennsylvania campus for Ms. Kardon's own Institute of Contemporary Art, was turned into rubble overnight. Barnett Newman's "Broken Obelisk" was rapidly defaced when it was put on display in 1967. Removed to Houston, Texas, it is now placed in a pool away from errant paint. Claes Oldenburg's "Lipstick" was so thoroughly defaced at Yale that the sculptor retrieved it. Of course, for any object there is some thug or madman willing or eager to destroy what he can of it, but the defacement of some pieces of public sculpture seems to enjoy a measure of community support or at least tolerance.

The examples could be continued into tedium. On the whole, the public does not like today's public art. Of course, some people do actually take pleasure in "Batcolumn" or in the twisted, painted tubes and rusted shards that can be found in almost every large American city. But the vast majority, convinced that art is a good thing, still takes no pleasure in the actual pieces of public art themselves. An expensive piece of contemporary sculpture has a life cycle of a predictable kind, a cycle frequently noted by others. Received with joy by a small coterie of aesthetes and with indignation by a sizable element of the community, the sculpture soon becomes an indifferent object, noticed chiefly by visitors. If it is very elaborate or very expensive, the local citizenry may try to take whatever minimal aesthetic pleasure they can from the thing; typically, after all, they paid a bundle for it. In time the aesthetes move on, no longer interested in a piece that is derrière-garde. But the public must remain.

Impressionistic evidence is rightfully mistrusted, and those who advocate public sculpture might well demand more precise evidence as to the extent and intensity of public dislike or indifference for contemporary public sculpture. But the plain fact is that there is little non-impressionistic evidence to be had, one way or the other. Remarkably, although considerable sums are spent on public sculpture in this country by government and by corporations, virtually nothing is spent to find out whether or not the public likes particular objects or dislikes them, how intense such feelings are, or, most importantly, what proportion of the affected public would prefer that the space be put to some other use.

Louis Harris's polling organization has taken three extensive opinion surveys since 1973 dealing with attitudes towards art and its accessibility. None of these opinion surveys address questions deal-

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ing with the reception of public sculpture. The 1973 survey asks for responses to a number of items about "visual pollution," but no opportunity was given for respondents to indicate whether or not they found leaning girders or canvas rags to be a form of visual pollution. For any serious purpose in evaluating the impact of public art, the Harris surveys are quite useless. The only attempt at a useful survey on the impact of contemporary public sculpture is reported by Margaret Robinette, who conducted a survey during 1972 and 1973.[3] Though her pilot study does address the reception of contemporary public sculpture, it is without value as evidence regarding the issues raised here. The sampling procedure almost certainly produced a biased sample, the questions did not ask respondents to consider the sculpture against a range of alternatives, and even so the results cannot be unequivocally interpreted as evidence of public pleasure in contemporary public art. Indeed, the results provide internal evidence that many of the respondents did not fully understand the import of some of the most important questions put to them. In lieu of better studies of the same kind, we have the impressionistic evidence of letters to the editors of newspapers, of recorded public controversies, of organized public opposition to particular pieces of contemporary public art. There is no *prima facie* reason to doubt that this opposition is generally sincere, fairly widespread, and sometimes even thoughtful.

Monuments to the mundane

What basis can there be, then, for the claim that contemporary public sculpture enhances public well-being? The most obvious value of an aesthetic object—the aesthetic pleasure in seeing it and touching it and living with it—is apparently not present in today's public sculpture. By and large, the members of the public feel no pleasure, or very little, in seeing and touching and having such things. What else can be said in Ms. Kardon's defense? Perhaps that people become accustomed to public sculpture. After a piece has been in place for a while, the outrage, the shouts, the complaints cease. Children play on the thing if it can be played on. Old people may sit by it. This is a sorry defense, in which people's adaptability, and their impotence to control their environs, is used against them. People will, in fact, make what they can of *almost anything,* no matter how atrocious or harmful, if they have no choice. They will adapt to burned out tenements, to garbage in the streets, to death on the sidewalks. However horrible, tasteless,

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pointless, or insipid an object may be, if children can make a plaything of it they will. Bless them, not the artists.

Today's public sculpture, like the rest of contemporary art, is often defended for its intellectual value, for what the piece says or expresses, rather than for what it looks like. If this is to be any serious defense at all, it must be shown that typical pieces—or at least *some* pieces—of contemporary public sculpture are saying something serious and interesting, and doing so in a way that makes what is being expressed especially accessible to the public. None of these requirements is met—and moreover these requirements are *obviously* not met—by today's public sculpture.

Attempts to articulate the thought expressed by various pieces are, virtually without exception, trivial or fatuous or circular. Consider some remarks in *Newsweek* in defense and interpretation of a notable piece of public art: "Claes Oldenburg's work—his 'Bat-column' in Chicago, for example—is formally strong as well as ironic. Oldenburg's silly subjects state a truth often overlooked: inside those self-important glass boxes, people are really thinking hard about such things as baseball bats or clothes-pins." We have no evidence that this is not the very thought that occurs to people when they see Oldenburg's column—but we doubt it. But even if it were, it is a patently trivial thought, and if the object is justified by the expression rather than the sensation, would not a small sign have been in better taste? The author continues, "Among other things, a work like Athena Tacha's 'Streams' in Oberlin, Ohio, reminds people, through its uneven steps, of what it means to walk."[4] Tacha's work is at least pleasing to our eyes, but we have not yet been reminded of what it "means" to walk. But if uneven steps will do the trick, the meaning can be found in any city park, forest path, or homebuilt staircase. Why do we need monuments to the mundane? Why should the public pay for what it can get for free?

It is impossible, and in any case too painful, to examine the range of pretentious, vapid claims made by professional art critics for the intellectual content of contemporary sculpture. Much of it reads like the prose of ambitious students of a Schaumm's Outline on "Wittgenstein Made Simple" or "Beginning Phenomenology," or "Quantum Mechanics Made Simple." It is not serious. An example or two will have to suffice.

The late critic and sculptor Robert Smithson has written about the Park Place Group of sculptors, which includes Mark di Suvero, who has done a number of public sculptures (including "Moto Viget" in Grand Rapids, Michigan, and "Under Sky/One Family," Balti-

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more) in the leaning girder style. Smithson claims that the members of the Group "research a cosmos modeled after Einstein. . . . Through direct observation, rather than explanation, many of these artists have developed ways to treat the theory of sets, vectorial geometry, topology and crystal structure." Smithson also claims that these and other modern sculptors celebrate "entropy" or "energy-drain." [5] Taken literally, this is somewhere between unlikely and silly. What is a "cosmos modeled after Einstein"? A cosmos modeled after some solution to the field equations of general relativity? Which solution, of the infinity of them, and why that one? Do these sculptors really know *anything* about relativity? Perhaps. Perhaps di Suvero and company really do have some deep understanding of quantum theory, general relativity, and transfinite cardinals, but even that unlikely contingency will not justify the imposition of their art upon the public. There is no interesting lesson about these subjects which the citizen can be expected to draw from simple geometrical shapes cast together in a public place. That is simply the fact of the matter, and it guts any attempt to found the benefits of public art upon the thin and far fetched theories of certain art critics. For what is undeniable about nearly every critical account of the message of one or another school of contemporary art is that the message—whether it is about physics or philosophy—is *esoteric,* and cannot be garnered from any amount of gazing at, climbing on, or even vandalizing of the object.

More failed justifications

Inevitably, today's public sculpture is justified in a kind of circular way: The very fact that the public dislikes it, or even violently abhors it, is taken to warrant its presentation. Thus Jody Pinto, rather typically, remarked after her sculpture at the University of Pennsylvania was destroyed that "Tons of letters were written to the *Daily Pennsylvanian,* both pro and con, which is wonderful. If art can stimulate that kind of discussion and really make people think, then it's accomplished probably more than most artists could even hope for." [6] Thus the justification for public art is that it causes people to think about why they do not like it, or about the propriety of having destroyed it. That is indeed a virtue, one supposes, but a virtue shared quite as much by every calamity.

There is also the common suggestion that, like travel, contemporary art in public places is broadening. It introduces the public to the fact that there are other and different tastes and sensitivities,

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alternative and unconventional standards of beauty. It makes people *tolerant*. In fact, there is no case at all that public sculpture makes people tolerant of anything that matters. Today's public sculpture may well make people tolerant of public sculpture, for the simple reason that if the object is too large, too strong, or too well fortified, they have no choice. Does it make people tolerant of, or sensitive to, the aesthetic expectations of other cultures or times? One doubts that it does, and surely not as well as an exhibition of Chinese calligraphy, or American ghetto art, or Tibetan dance, or the treasures of King Tut.

It is sometimes urged, rather opaquely, that there are significant economic benefits to be derived from public art. The case is seldom developed in any detailed fashion, and there is good reason to doubt that public support of permanent or quasi-permanent public art structures can lean very much on such considerations. These are some of the reasons.

First, the presence of public sculpture in booming areas is not evidence that the art itself makes significant contributions to the economies of Winston-Salem, or Charlotte, or Seattle. The effect is most likely in the other direction. (The same holds, of course, for the performing arts. As Dick Netzer remarks, "It is hard to believe that the presence of the Charlotte Symphony has much, if anything, to do with that area's booming economy." [7])

Second, while art may provide economic benefits for a few centers where the variety, or quality, or number of objects and events is markedly better than in surrounding areas, it cannot have much economic effect when more widely and, from the point of view of public patronage, more justly distributed. People may very well go to St. Louis to view its arch, but how many now go to Oberlin, Ohio, to see Tacha's "Streams" or to Chicago to see "Batcolumn"?

Third, those who point to the alleged economic benefits of public art almost always neglect to consider opportunity costs: Would the money spent on public art have produced greater economic benefits if it had been invested in capital equipment or in subsidies for business or for public transit or in amusement parks? And, finally, even in those circumstances where the availability of cultural amenities provides or would provide significant economic benefits, there is no evidence that public sculpture of the sort bedecking our cities and towns contributes very significantly to that benefit. The forms of artistic culture which attract people and their money may very well be, as it seems to us, chiefly those of museums, music, and theatre.

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Ms. Kardon's claims for the benefits of public art are unjustified and unjustifiable, and they can only result from a failure to be candid about the social conditions of contemporary art. Contemporary art has a small audience composed of some of the very rich who can afford to buy it and some of the not-so-very rich who go to galleries and museums to see it. The audience for this art takes pleasure in it for any of several not very complex reasons: because of the aesthetic appeal of a particular object, because of an interest in a segment of cultural history, because of the notoriety of its creator, because they find it an amusing joke (on other people), or perhaps, simply because they have been led to believe that they *ought* to enjoy it.

The aesthetic pleasures of contemporary art are not shared generally or widely, and the citizenry who must pay for and daily observe a public sculpture can take no pleasure in a joke played on others; for if Mr. Andre's "Stone Field Sculpture" is a joke, it is a joke played on the citizens of Hartford themselves. Some people, attending to the histories of past art that has proved to be great art, might be more tolerant about the untoward reactions to "Stone Field Sculpture" and its equivalents. Monet and Renoir caused quite a stir in their time, and the public did not take much pleasure in their works. Yet many of these same paintings have proved in time to be good, even great, art. Indeed, believing that this is a recurring and prevalent course of events with novel art in any form and time, it might seem prudent to take a different view of adverse reactions to our revolutionary and experimental works of public sculpture. This would be a mistake, for the appeal to art history wholly misses the point at issue: It is not for government to promote new conceptions or realizations of art. In short, the ultimate aesthetic quality of the works is not in question; their public display is.

The propriety of government support

If today's public sculpture is not much enjoyed for its aesthetic qualities, and if it carries no effective and important message which will enlighten the public, how does it improve the quality of life? How are citizens made better off by its presence? Advocates may dig in their heels and claim that those exposed to such pieces just *are* better off, whether they know it or not, for seeing and living with the things. But an inarticulable and unidentifiable benefit is no benefit at all, only special pleading.

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Government at various levels may be legitimately concerned to promote the public welfare, but it cannot be legitimately concerned to promote activities with no demonstrable or even very plausible connection with the well-being of the citizenry. The argument for public art fails entirely if it is based on considerations of direct general welfare. What remains to be said in defense of public sculpture is only a kind of analogy. Governments at various levels support museums, even museums wholly or partly given over to contemporary art, and such support is ordinarily thought to be entirely proper. The public at large is thought to benefit by having art collections available, and a small segment of the public does benefit from active and repeated use of such collections. Why, it might reasonably be asked, is public sculpture any different? Granted that only a small segment of the population actively enjoys the things, why should not the government support that interest while providing to others the benefits of availability in case they change their minds or their tastes? The answer brings us to another conclusion: The objects of contemporary public sculpture are not benign or indifferent.

Public sculpture presents *moral* issues which outstrip related questions, such as those associated with the social justice or injustice of public funding of the arts, exactly because the works of public art are indeed thrust upon the public. They are unavoidable; if one goes about one's normal routine in Pittsburgh or Denver or New York or Grand Rapids one *will* see public sculpture, willy-nilly, like it or not. The moral questions associated with the public display of large pieces of contemporary art are rather like the moral issues surrounding the public display of pornography. The analogy between public contemporary art and public pornography is revealing, and we will pursue it, not because we believe that the harms caused by public contemporary art are the same harms as those caused by public pornography, but because the different harms in the two cases arise in similar ways, and belong to similar categories.

Public sculpture, public pornography

The public display of pornography is widely claimed to cause several kinds of harm in several ways. In the first place, merely seeing pornographic depictions of events offends many people who do the seeing. The offensiveness of these displays to such people is at least partly aesthetic—it involves their immediate repugnance at what they perceive. (It is in that way different from the repug-

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nance which is expressed by evangelical prudes at anyone, anywhere, gazing upon pornographic displays, no matter how much pleasure the gazer may find.) There are philosophers, such as Joel Feinberg, who treat offenses of this kind as something other than harms, but we see no real basis for sustaining such a distinction.[8] An offense given is a harm done, however minor and relatively unimportant a harm it may be.

Second, the public display of pornography is claimed to have a kind of reflective effect on some people. On reflection, if one is a woman, one is *humiliated* by the depiction of women as simply and rightfully objects of lust who are nothing more than sexual slaves. Third, the public display of pornography is claimed to have indirect effects which do substantial harm: It is alleged to promote sex crimes, for example, and to cause or to sustain the repression of women and discrimination against them. More clearly, the public display of pornography violates the interests of those who value modesty, who are offended by pornographic displays, and who wish society not to develop in such a way that immodesty and pornography are ubiquitous. The public display of pornography can be reasonably expected to contribute to the further erosion of taboos against immodesty and public sexuality in various forms, and thus to cause the evolution of society in such a way that is inimical to the interests of those who prefer a society whose members confine their eroticism to private circumstances. These are rather familiar objections to public pornography, and anyone who has thought or talked much of the subject has met versions of them. Most have a valid analogue in public art.

A good deal of today's public sculpture offends the public eye. It offends twice: once because it is simply unsightly, as with garbage, auto salvage yards, and scrap heaps; and again because it is unsightly *art*. It is offensive to be presented with rags and scrap metal, but perhaps equally offensive to be told that an unsightly mess must be respected as art. What the gentleman from Franklin Park felt in downtown Chicago may perhaps not be fairly characterized as revulsion, but he was surely offended by the art objects, quite as genuinely as are those who must pass by drive-in theaters exhibiting pornographic films.

There is a related harm of the second kind, a reflective harm which is a kind of insult or humiliation. Viewing public sculpture and finding it ugly or silly or simply commonplace, the common person brings his own eye and mind into direct conflict with the judgment of the aesthetic and political authorities. He can only

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draw one of three conclusions. Either his own judgment is hopelessly flawed, so that he is a complete aesthetic incompetent; or else that of the authorities is flawed in like fashion; or, finally, he and his fellow citizens have been made the butt of a joke by the artist, his associates, and his admirers. The second conclusion is not widely held, though it is a logical possibility, and is doubtless sometimes true. In the first case, the citizen can only be humiliated by an object which, try as he will, he cannot find the beauty of; in the third case, he can only be insulted and righteously indignant at those who have erected an object which is an expression of contempt for the public. Both to the timid and to the self-confident, the object acts with malice. We are not sure that the harm associated with the humiliation and insult given by public sculpture is altogether less intense than the humiliation some people feel at public pornography. And the harm is repeated and repeated and repeated. The citizen can only escape by moving his domicile or work or normal activities, or by cultivating indifference.

In a third way, as well, the erection of public sculpture of the contemporary kind harms the interests of citizens who find it offensive: It begets more of the same. It does so directly by means of artistic influence, through mechanisms familiar to everyone. It does so indirectly by influencing the sense of beauty in the youthful, and thus causing them to welcome more of the same. Everyone has an interest in society developing in such a way that his own aesthetic sensibilities are not everywhere outraged; for much of the citizenry, most works of today's public sculpture act against that interest.

The iconoclast at large

The harm done by public sculpture to the interests of the public is real harm, less vivid and perhaps less important than some other social harms, but real enough. To those harms we have noted, we must add the general harm, in the case of publicly financed public sculpture, of having to finance an object from which no benefit is derived, and the special exquisiteness of having to finance one's own humiliation. We should also note that the forms of resistance to public sculpture are rather like the forms of resistance to public pornography: People write letters, hold rallies, circulate petitions, sue, and deface. In short, the analogy between public contemporary art and public pornography should not be lightly dismissed, for it is sound. This is not to say that there are no occasions when a public

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SOCRATIC SCULPTURE?

The students at Northern Illinois University in rustic De Kalb, Ill., may not be connoisseurs of modern art, but they know what they don't like.

What they don't like is "Six Questions," an enormous modern sculpture made of rusted steel that recently was plopped down in front of the student union. The work is in the shape of a simple table, waist-high and 48 feet long, with benches on either side.

The six questions, cut into the table top like so many graffiti, are: "Do you need a bath?" "Are you going home?" "Do you cry?" "Have you been introduced?" "What is your next move?" "Do you know the facts?"

The piece was selected by the student association's art acquisition committee. Even before it arrived, the student paper, The Northern Star, was lambasting the work and its $10,000 price. "At $200 a foot for a picnic table, it's pretty ritzy dining," wrote Phil Jurik, the managing editor. He quoted a friend as asking: "If the table is 48 fet long, how big are the ants?"

As a crane lowered the sculpture into place, students gathered to jeer, and a young man later tried to deface the work. He kicked it from beneath, jumped up and down on it, and only stopped after knocking off a piece of metal. The piece was welded back into place.

Students expressed wrath that the sculpture was paid for out of their fees. "I think it's a waste, considering they've had to cut back buses for students even though they just raised our fees," griped Jean Marie Gallagher, a junior majoring in accounting. Besides, she adds, "I'm not sure it's art. It looks like a piece of rusted-out metal."

Dissatisfaction wasn't universal, though. Three students jointly wrote a letter to the student newspaper praising the work as "portraying a reflection of everybody's experience." The three also quoted modern artist Robert Rauschenburg: "If the painting doesn't upset you, it probably wasn't a good painting to begin with."

The creator of "Six Questions," Minneapolis sculptor Steven Beyer, happens to agree. "I wanted the questions to stick with them, so they'd wonder about them later," says Mr. Beyer, who explains that he based the questions on the hierarchy of human needs established by psychologist Abraham Maslow.

The table is meant to suggest a cafeteria rather than a picnic, says Mr. Meyer, adding, "The work represents a dialogue, because as people sit on opposite sides, the questions sit between them. College is about a lot of dialogue, searching questions, and all that."

—The Wall Street Journal
Oct. 19, 1981.

sculpture, even a contemporary public sculpture, is by intent or by chance so executed that it catches the public taste, pleases many, and offends few. Undoubtedly, there are such happy events, but the impressionistic evidence we find, at any rate, is that they are extremely rare.

If it is a banal observation that today's public art violates public tastes, a less banal contention is that this is not a benign or indifferent conflict, but one that is genuinely inimical to the public interest. The explanation of the banality is straightforward, but it serves to remind us why, unless either avant-garde art or public interests change dramatically, the harms are inevitable. Much of the business of contemporary artists has been to locate a tacit con-

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straint on the prevalent sense of what is artful, a limitation on the sense of beauty, and to deliberately execute an object that violates that constraint yet somehow still retains an aesthetic appeal. Done brilliantly, the results can be admirable, and the retention of a fragment of what pleases old sensibilities, in combination with new forms, can lead to new and original aesthetic values. But such art cannot be iconographic in traditional and, to many, out-moded ways. This does not mean that it must discard representation and realism in favor of non-objectivity and abstraction. Rather, impertinent or irrelevant iconography and realism can be one way for art to be iconoclastic.

Two of George Segal's public sculptures illustrate the point. Both his "The Steelmakers" and "The Restaurant" represent ordinary scenes in realistic ways: in the first case two steelworkers laboring at an open hearth, and in the second case three people arranged around a restaurant façade. The steelworkers seem obviously pertinent and relevant to their place and purpose, which is serving as a monument to the main industry of Youngstown, Ohio. The restaurant figures, however, seem plainly ill-suited and ill-placed outside the Federal Building in Buffalo, New York. The latter does not, nor does other iconoclastic work, realize and celebrate and exemplify a common tradition and shared political, cultural, and aesthetic heritage. That is what public sculpture is expected to do, and what iconoclastic art can never do. Put otherwise, contemporary art is essentially experimental art. It is not valued by those who care about it because its objects are new and exquisite applications of enduring and precise requirements and constraints. It is valued at least largely for its very novelty. The public has no wish to be made guinea-aesthetes.

The question of art policy

The harm done by the public display of contemporary sculpture far outweighs the benefits such displays afford to a certain segment of the public, chiefly the benefit of seeing the sculpture without having to visit a museum or art park. Though some would think otherwise, this state of affairs does not even really present a question of regulating activities which give offense: We regulate dress, noise, architecture, advertising displays, smoking in public places, and so on, because such things can give general offense or do harm, and the harms are taken to outweigh the benefits to the offender. In the case of public sculpture, publicly supported, it is only a question of not *subsidizing* an activity that gives offense and does harm.

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Consider an apt but unpleasant analogy. It is widely thought to be outrageous that, fully knowing the harms done by smoking, the government continues to subsidize the growing of tobacco, thereby helping to harm many seriously while providing benefits of a less vital kind for a few. The government has no *intrinsic* interest in the growing of tobacco, and it can offer no other just considerations than those involved in the balancing of benefits and harms. In structure, it is quite the same with today's public art: The government has no intrinsic interest in the promulgation of contemporary art, and it can only justify its subsidies by an appeal to a balance of benefits and harms to the citizenry. The most relevant difference, of course, is that the harms of public sculpture are less serious and less well-established than those of tobacco use. In the case of public art, privately supported, different issues will naturally arise, chiefly those of the appropriate and proper uses of private property, and of the resolution of the conflicts that arise when actual or proposed uses are inimical to the interests of those who do not own the property. The only consequence of our argument is a *caveat* about the resolution of such conflict: Based on the fact that what is to be constructed is *art,* government should not give extra weight to the claims of owners who would also be public exhibitors.

It is one thing to recognize a harm, quite another to understand how to incorporate that recognition within public policy. Lawrence Alloway, who recognizes the public distaste for today's public sculpture, but who does not take account of the harm to the public, claims that public sculpture will be defaced if it can be.[9] Consequently, he proposes that a public sculpture should be invulnerable or inaccessible. One might as soon conclude that it should be well-policed. In the present order of things, in which public art is indeed thrust upon the public without any direct requirement that the public favor the object, Alloway's recommendation is no more than an injunction to overcome the public antipathy by physical means, and to take from the people even the desperate recourse of Aesthetic Vengeance.

There are other remedies. Zoning is a common solution to the problem of public displays or advertisements of pornography. It is possible to apply the same solution to public sculpture—indeed, one might say that the solution is already in force in upstate New York, where two hundred acres near the town of Lewiston have been set aside as "Artpark," a place for contemporary sculptors to display their wares to the public should it care to see them. One might also say that the solution is already in force elsewhere, but

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not strictly enough, for galleries and museums congregate in a common area in many cities.

Alloway also appears to endorse the direct involvement of the public in the selection of public sculpture, so that after solicitation of proposals, the public can determine by preferential voting which pieces of sculpture are to be executed. Something like this procedure was used, as Alloway notes, for selecting sculpture for the West Side of New York City. But Alloway's proposal seems to us entirely half-hearted and tacitly paternalistic. The public has no *a priori* interest in the erection of sculpture on public sites, as against playgrounds or fountains or unadorned parks or monuments. There is no justification for the presentation to the public of a body of proposals for sculpture exclusive of other alternatives. In the great majority of cases, we believe any fair public plebiscite would have turned against *any* contemporary sculpture, and in favor of more benign objects: swings and slides and trees.

We do not offer a particular mechanism for representing public tastes and preferences in decisions about public aesthetics, and we scarcely believe that there is a single correct procedure. What we do insist is that public preference not be discounted by government agencies and that special pleadings on behalf of the art community be recognized for what they are.

The place of reason

By and large, the art community has addressed the issues we have raised only obliquely and disingenuously—as problems of salesmanship. This stance often shows up in articles that appear in art magazines whose audience is primarily the artistic community. In content if not in style, these discussions of public distaste for contemporary public sculpture are very much akin to discussions of "market resistance" in industrial trade magazines. An unmistakable instance of this focus on salesmanship is a recent suggestion that the friends of public sculpture should try to develop a tradition of contemporary public pieces in a community by introducing first one, then another, and then yet other and even more contemporary works.[10] In brief order, this sort of sculpture will, by its very numbers, come to dominate public areas and perhaps seem to the public familiar, expected, and appropriate. This seems nothing more than the standard corporate strategy of market proliferation to secure increased sales, indeed to dominate the marketplace for a certain type of product, be it cigarettes or breakfast cereals.

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Big time art is an industry that has moved out of the cottage, an industry that has an articulate and influential lobby at many levels of government. That industry has captured a piece of the public purse, quite as surely as have the tobacco farmers and dairymen, and thereby has obtained a substantial and diverse subsidy. Like some purloined letter, the most hidden part of that subsidy lies out in the open: It is the cost to those who must regularly view contemporary public sculpture and endure whatever harm it occasions them. If large scale sculptures were required to be housed behind walls, or away from the course of daily routine, the real costs of these pieces would be more evident. Instead, public display transforms internal costs into external ones which are diffused, subjective, and not easily measured.

Artists, critics, and art administrators may find this argument to be simply an endorsement of philistinism, but that is a grevious confusion. Philistines are people too, and, whether or not one shares their tastes, the moral point of view requires that their interests be considered. If art is serious then aesthetic values must interact with moral values and aesthetic reactions must also help determine moral obligations. The artistic community generally is constitutionally allergic to close argument and clear statement, preferring allusion and non-sequitur. But any serious discussion about art and social obligation cannot be so self-indulgent, and that is why we have found Ms. Kardon's statements so welcome. If there is a serious defense of the view that today's public art enhances public well-being, it is not enough to presuppose it, allude to it, imply it, or suggest it. Give it.

NOTES

1. See the introduction to the booklet *Urban Encounters: A Map of Public Art in Philadelphia, 1959-1979* (Philadelphia: Falcon Press, 1980); also the introduction to the brochure for the exhibition "Urban Encounters: Art Architecture Audience," Institute of Contemporary Art, University of Pennsylvania, March 19-April 30, 1980.
2. "Action Time" column, *The Chicago Sun-Times,* November 6, 1978. For a complaint about "Flamingo" and "Batcolumn," see the "Action/reaction" column, *The Chicago Sun-Times,* November 10, 1978.
3. The Harris surveys are *Americans and the Arts: A Survey of Public Opinion, Americans and the Arts 1975,* and *Americans and the Arts,* available from the American Council for the Arts. Margaret Robinette's survey is presented in her book *Outdoor Sculpture: Object and Environment* (New York: Watson-Guptill Publications, 1976).
4. "Sculpture Out in the Open," *Newsweek,* August 8, 1980, p. 71.
5. Nancy Holt, ed., *The Writings of Robert Smithson* (New York: New York University Press, 1979) pp. 9, 17, 18.

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6. " 'I Don't Think of Myself As a Stevedore,' " an interview by Maralyn Polak in *Today Magazine,* February 1, 1981, p. 8.
7. Dick Netzer, *The Subsidized Muse* (Cambridge: Cambridge University Press, 1978) p. 161.
8. Joel Feinberg, *Social Philosophy* (Englewood Cliffs, New Jersey: Prentice-Hall, 1973) pp. 41-45.
9. "The Public Sculpture Problem" in Lawrence Alloway's collection *Topics in American Art Since 1945* (New York: W.W. Norton & Company, 1975) pp. 245-250.
10. Kate Linker, "Public Sculpture II: Provisions For Paradise," *Artforum,* Summer 1981, pp. 38-39.

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DISSENT AND REPLY

The Malignant Objectors

WOLF VON ECKARDT

HEAVEN knows, it is high time our breathless modern avant-garde looked back. It would realize that nobody much is following, let alone bringing up the rear. But Stalker and Glymour's argument, I am afraid, is not going to cause modern artists, and the small but vocal industry of critics, curators, and dealers which sustains them, to pause and reflect. On the contrary, such intolerant and ignorant generalizations will only widen the unfortunate gap in our society between elitist culture and popular culture, between artists and "the people." Besides, intolerant and ignorant catering to the baser, iconoclastic instincts of the common man can only lead to censorship and bad art, such as *völkische Kunst* and socialist realism.

At their best, Stalker and Glymour warm over William Morris's hundred year-old gospel about "art made by the people, and for the people, as a happiness to the maker and the user." Like Stalker and Glymour, Morris deplored the art of his time with more indignation than discernment. He saw it as "defacements of our big towns," "unutterable rubbish," and "burdensome and degrading." He, too, did not want art to be "slave of the rich, and the token of enduring slavery of the poor." He rambled about the wickedness of art for art's sake.

Morris, of course, saved England's arts and crafts from death by industrialization. He inspired the German Werkbund and Bauhaus, which set out to save art by marrying it with technology. (The marriage is still uneasily struggling along.) But Morris also provoked some critics to conclude that any art that was not "by the people

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and for the people" was "degenerate." Around the turn of this century, the idea gained currency that a "healthy society" ought to rid itself of such garbage as Wagner's music and Rossetti's poems. Stalker and Glymour may like *Die Goetterdaemmerung*, but obviously share this disastrous sentiment when it comes to Calder, Oldenburg, or di Suvero. They write with implied approval about "Aesthetic Avengers armed with hammers, chisels, and spray cans." In the past, this sentiment has led to the high breasted bronze maidens and bull-necked stone men of totalitarian art. So much for "art made by the people and for the people."

At this point, Stalker and Glymour will probably retreat a little and reiterate that they only resent the public *paying* for art it does not like. Like it or not, in civilized society art is considered necessary as both an instrument and an object of culture. Necessities must be paid for. It is just as absurd to make such payment subject to a plebiscite on the art works as it would be to make public support of higher education subject to plebiscite on the curriculum. Would Messrs. Stalker and Glymour like to have their classrooms closed because some people did not like or did not understand the philosophy they teach? Art, like philosophy, cannot be judged by a popularity contest. Not even Miss America is chosen by plebiscite. No democracy can function without its experts. Experts, or professionals, are the gears that keep democracy in motion. The people, also known as the masses, and sometimes known as the mob, are no more, but also no less, than the driving force.

What the argument comes down to, then, is whether the experts and informed citizens who select public art and the procedures they follow for doing so are fair. Stalker and Glymour do not address this question, except to imply that Janet Kardon of the Philadelphia Institute of Contemporary Art and the ("degenerate"?) "small coteries of aesthetes" commit all those "substantial and identifiable harms" that get Stalker and Glymour so upset. The fact is that, thanks largely to the "Guiding Principles for Federal Architecture" which Senator Daniel P. Moynihan wrote when he was an Assistant Secretary of Labor in the Kennedy Administration, the methods for selecting public art for public buildings are as painstaking and sensible as anyone could wish who is interested in art rather than ideology. Municipalities and states follow similarly enlightened procedures.

This is not to say that the art works these panels select or commission necessarily represent a golden age. Ours is more likely an age of rusting steel. There is, indeed, a possibility that the shock of the new is getting old, and that the eternal avant-garde is lost in its abstractions, avant of nothing and nobody. But these are problems of the art and architecture of our time—of an epoch not yet come to terms with itself. They cannot intelligently be discussed within Stalker's and Glymour's rubbery framework of boys-in-the-backroom generalities.

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WHY, for instance, should the creator of a public sculpture have "any intention of representing people or events associated with the site"? That marvellous obelisk on Washington's Mall, to cite just one example, represents nobody and nothing associated with the Potomac swamps. Should we, the people, therefore not have paid for it?

Some citizens thought so. In 1854, a band of them gathered at midnight, locked up the watchman, and then defaced a block of the marble shaft and threw it into the river. The following year, the same group sabotaged the fund raising drive by seizing the property of the Memorial Society. The citizens (Aesthetic Avengers?) were known as Know Nothings. The Washington Monument was built despite them and has become a symbol of America's identity.

A society can resist its Know Nothings. It can yield to them. But it cannot reason with them.

Nor can we ask our art selection panels to give us an art that is different from the best our time and its artists produce. We must cure the measles (if indeed we have them) rather than scratch the rash. Stalker and Glymour do not even want to scratch. They do not want *any* (their emphasis) modern sculpture. They want "swings and slides and trees." They want to declare the artistic and intellectual bankruptcy of America. That is worse than Know Nothingism. That is a cop-out.

A former Representative from Michigan was not as easily discouraged. Some years ago, he told the House that his city, Grand Rapids, as it redeveloped its downtown business district "purchased what is called 'a Calder.'"

"At the time I did not know what a Calder was," he continued. "I doubt if many people here do today. It was somewhat shocking to a lot of our people out home. I must say that I did not really understand, and I do not today, what Mr. Calder was trying to tell us. But I can assure the Members that that Calder in the center of the city, in an urban redevelopment area, has really helped to regenerate a city . . . The federal arts and humanities program was a participant and it was a good investment both locally and federally . . . The response has been overwhelming."

The Congressman's name is Gerald R. Ford.

Wolf Von Eckardt is architecture and design critic at Time *magazine.*

Paradigms in Public Sculpture

JOHN BEARDSLEY

THE history of contemporary public sculpture is too short for paradigms. It has been a scant fifteen years since the governmen began supporting—through the National Endowment for the

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Arts, the General Services Administration, the Department of Transportation and the Veterans' Administration—the placement of artworks in public spaces. Those years have seen failures to be sure but it has been the avowed purpose of agencies such as the National Endowment for the Arts to support art in public places in a spirit of experimentation, in the hope that the occasional failures and more frequent successes would lead eventually to the emergence of useful criteria for the incorporation of art into public buildings, parks, and plazas. Messrs. Stalker and Glymour are blowing the whistle, just as it seems those criteria might be appearing.

"Government," Messrs. Stalker and Glymour begin, "at whatever level, only has a legitimate interest in publicly displaying contemporary art in so far as that display provides *aesthetic benefits* to the citizenry." This is the premise of contemporary art in public places programs. They operate on the assumption that if panels of critics, curators, collectors, and residents of the sponsoring communities are convened to select artists for public commissions, the results will be artworks conceived with a sensitivity to the character and needs of those communities, by artists acknowledged by art professionals to be highly capable. The results, in short, should have aesthetic merit.

That Messrs. Stalker and Glymour think they do not should be of no particular interest to anyone. That they compare them to pornography should merely elicit some amusement. But that they draw the largely unsubstantiated conclusion that much of the American public agrees with them should raise many an eyebrow. In support of their contention, they quote a few letters to the editor; one can find equally as many letters to support an opposing view. All these many letters prove is that we lack universally accepted standards of merit. In a society as pluralistic as ours, this seems inevitable. We have a population that is simply too heterogeneous, too disparate in its moral and social values, and too various in its levels of aesthetic sophistication ever to agree on standards of aesthetic quality. We might best just make peace with this fact. If we cannot, and it appears Messrs. Stalker and Glymour cannot, then we must rely on other validations.

So Messrs. Stalker and Glymour abandon their assertion that "aesthetic benefits" are the only criteria, and insist that "ultimate *aesthetic quality* of the works is not in question; their *public display* is." They go on to formulate quite conventional (but not thereby inherently invalid) criteria for public display. Reluctantly admitting that Segal's *The Steelmakers* might be an acceptable piece of public sculpture, they find it "obviously pertinent and relevant for [its] place and purpose." They find it fits the traditional criteria: [to] realize and celebrate and exemplify a common tradition and shared political, cultural, and aesthetic heritage." But as I have argued elsewhere (*Artforum,* Summer 1981), traditional notions of public art were suspect, even in their nineteenth-century heyday. One need only bring to mind the predominantly north-facing Con-

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federate generals-on-horseback of Richmond's Monument Avenue, who perpetually confront the south-facing Union generals of Washington's traffic islands, to realize that political, cultural, and even aesthetic values are a function of their time and place, and not necessarily shared at all.

If we cannot make peace with a divergence in aesthetic opinion, and, if as it seems, it is futile to strive endlessly for representations of shared political and moral values, what then are we to do? Shall we give up entirely, as Messrs. Stalker and Glymour would have us do? Happily, there are those who do not think so, who are engaged in an effort to evolve a public art that *is* "pertinent and relevant" and that *does* "enhance the public well-being." Extra-aesthetic content is one means, as exemplified by *The Steelmakers.* Segal's use of the narrative subject memorialized Youngstown's dying steel industry. Extra-aesthetic function is another. For example, Dan Flavin recently completed relighting several gloomy subterranean platforms at New York's Grand Central Station with installations of cheerful white, pink, and yellow neon. Robert Morris reclaimed an abandoned gravel pit in King County, Washington, converting it into a grassy, terraced amphitheatre with views of the nearby Kent Valley and Cascade Mountains. Joseph Kinnebrew designed for Grand Rapids, Michigan, an architectonic structure that permits spawning salmon and trout to migrate upstream beyond a dam that had previously blocked their passage, while providing viewers with a platform from which to observe the spectacle of the rushing water and the leaping fish.

There are other, somewhat more involved means of insuring that art enhances the public well-being. The County Board of Arlington, Virginia, has commissioned sculptor Nancy Holt to design a park for the intensively developed commercial district of Roslyn. Holt is working with county engineers and landscape architects on the overall plans for a park that will include earthen forms of her design together with sculptural elements. Significantly, she is working through the conventional planning process, which includes public hearings, competitive bidding, and other standard procedures, so that her work will not be an imposition on the landscape, but a product of Arlington's planned growth. Seattle is experimenting with similar procedures. There, the Arts Commission appoints an artist to work with architects, engineers, landscape architects, and community residents on the design of public works such as bridges and power stations. Each facility is completed with an artwork that has emerged from the public planning process and is carefully integrated with its surroundings.

Perhaps these projects will in time become the paradigms for successful public sculpture. Ideally, we should be allowed art for art's sake. But if in the public arena that seems too problematic, as it does for the faint-hearted Messrs. Stalker and Glymour, then let us also have art for utility's sake, or as a function of intelligent public planning. Meanwhile, let us encourage the government to

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pursue its nascent art in public places programs. I contend that there is an enlarging audience and growing enthusiasm for these programs, particularly those that support community-initiated projects.

Although it is not made clear by Messrs. Stalker and Glymour, there is a significant distinction between federally sponsored artworks, such as those commissioned by the General Services Administration, and those that are sponsored at the community level and merely supported by the government. The National Endowment for the Arts' "Art in Public Places" program operates on the later model; it supports projects in which both site and artist are selected on the local level. These are not artworks that are unthinkingly imposed on their host communities. Between 1967 and 1980, the Endowment supported 312 projects in 46 of the 50 states. Sponsoring communities ranged in size from tiny Hanna, Wyoming, to New York City. The Endowment grants totaled $5,541,000 for artworks that cost a total of $17,139,000. That is, over twice the total of the Endowment grants was raised at the local level, in both large and small amounts. These figures support my contention that there is a significant constituency for art in public places. Where such a constituency exists, the government has a legitimate right to support it.

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The Meaning of Place

RONALD LEE FLEMING

PROFESSORS Stalker and Glymour have performed a useful service with their tightly reasoned (if whimsically malicious) assault on modern public sculpture. They slice through many of the fatuous rationalizations that hang like unwieldy halos over certain abstractions on the cityscape. They grapple with these objects, find them meaningless, and are prepared to cast them out as a public nuisance or at the very least put them in special pornographic districts—little Storyvilles of public sculpture—where abstract lumps of Korten can consort together with their special interest groups in the Art World. They contend that such work, promoted by a small network of critics, offends a hard core of public sensibilities. They would require public art to "realize, celebrate, and exemplify a common tradition and shared political, cultural, and aesthetic heritage," and since most contemporary public sculpture does not meet this standard, they argue against public funding for such art.

Unfortunately, they do not define a process for getting what they want, and one fears that their argument provides an excuse for the

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demolition of publicly sponsored art programs like those in the NEA and GSA, rather than support for a more balanced situation in which public sculpture would both express the artist's personal vision and also, as the best public sculpture always has, strengthen a sense of place. Interestingly, they never discuss the *context* of much public sculpture: where it is specifically, in what city, where in a city, and what it is doing there. Would they ban government from commissioning sculpture because we have erected several generations of concrete, glass, and steel abstractions? Unfortunately, modern public sculpture often successfully complements such structures, and all too accurately expresses certain aspects of our contemporary life, public and private. It can be slick and brutal, multifaceted and anonymous, even elegant and cruel. We may find that reality repugnant, but we cannot forbid the art to express that reality.

But there is a more positive tack to take toward public sculpture: We should help it to express a more holistic and humane view of our culture. Having spent some years now at the grass roots trying to implement public art projects which create, enrich, reveal, or reinforce place-meaning, I do not want the funds to go away just because some public sculpture continues to express our collective angst and confusion, or merely the ego of the artist. Rather, I would propose that we make some adjustments in the process of commissioning public art. I believe that if we allow the community to become involved in the process of determining what kind of art is suited for *this* place at *this* time, the results will be benign, though perhaps still novel or iconoclastic. The problem is how to help artists more effectively relate to a given context, so that their work reflects and strengthens the meaning of the cityscape and thus helps us to lay claim to it.

I do not believe the Stalker/Glymour contention that the government has no intrinsic interest in promoting "new concepts or realizations of art." Just as government supports innovations in science, it should support innovation in art. But we need a balanced view of public art that acknowledges that the pendulum of a legitimate taste may swing back toward art that has accessible meaning, just as opinion among architects is moving away from the abstractions of the International Style. This does not mean that there should not be public display of some artistic expressions which have meanings which are difficult to fathom; after all, one characteristic of art is its capacity to say different things to different people, with an ambiguity that some artists obviously go out of their way to nurture. We should encourage ambiguity by a density of meaning rather than the absence of it—and it is absence of meaning that seems to characterize some of the art that the authors properly skewer.

But this is not true of George Segal's sculpture (referred to in the article) of the two steelworkers in front of the Youngstown City Hall. The sculpture commemorates two workers who were in fact nominated by co-workers. It tells you that steel was and is made in Youngstown. The local people supported this sculpture. The

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steelworkers union helped move parts of a donated blast furnace, which serves as a backdrop for the life-size figures. Local efforts were matched by NEA funds. Segal himself said that it was the first time in over twenty years that so many other people's attitudes and decisions had been involved in his work.

In Buffalo, Segal's "The Restaurant" did not include the same involvement. GSA, the funding agency which covered the entire cost, has almost invariably been content to let the artist do his or her thing. Donald Thalacker, GSA's arts administrator, does not consider the relevance of context, or "place-making" potential, in his book on GSA art projects. Significantly, the enthusiastic response to Segal's Youngstown piece is believed to have contributed to the doubling of the Ohio state legislature's arts funding for 1980.

The Segal-Youngstown approach is not the only valid approach to public sculpture, but I have found in my work in various communities that when local people are involved in trying to determine just what should be there, and for what purpose, they do want more than swings, slides, and trees. Nor is their involvement a philistine rejection of the individuality and vision of the artist. But we should recognize that public sculpture often involves and should involve more than the vision of the single isolated artist, enticed from his studio into the public square by a major commission, and working in the same isolation on a public piece that he works in on his private pieces. Public sculpture can involve—and many of the works that delight us do involve—not only the great artist but a variety of artists, craftsmen, artisans, builders, and the community. It is this kind of ensemble, over time, that makes the places we treasure in many cities, and the idiosyncratic and individual work may or may not be a part of it. It is this kind of joint process that helps build a positive association between a community and a place, that engenders a sense of proprietorship—"this is ours, and we will protect it from misuse and graffitti"—and that strengthens public support for a more carefully constructed and more fully expressive built environment.

CAN the process of creating public sculpture lead to such results, as well as to the awesome object in the sterile field? I think it can, and I have some suggestions. For example, more of our public commissions should involve a number of artists and craftsmen, rather than allocating the whole of a substantial commission on a single artist. Such an approach can end up more respectful of the distinctive fabric of a place.

A number of towns with which our organization, the Townscape Institute, has consulted wanted to use small-scale representational public art pieces to create a sort of thematic trail connecting a college campus to main street or the railroad to downtown. A wonderful idea. But these innovative approaches, which were connected to the existing townscape, were not understood by NEA Art in Public Places review panel members, who favored the creation of a single object by one regionally prominent artist.

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We should encourage collaboration among artists, local people, and other design professionals (architects, landscape architects, urban designers, artisans). Artisans today are, for the most part, divorced from the building arts, and as individuals have no way of incorporating their work—stained glass windows, wood carving, metal work, ceramic tile, weaving—into contemporary structures. Arts funding could encourage attention to the aspects of buildings that are the work of artisans and provide support to help move arts and crafts out of the gallery. We could fund a reference guide to artists and artisans, whose work could be incorporated into major office buildings and subsidized housing, for example. Often, it is simply a matter of explaining to developers what can be done and showing them the economic benefits per square foot of space that includes hardware, panelling, or floor surfaces designed by artists and artisans.

Our planning process for public art should at the least include a check-list in writing to ensure that the physical, social, and cultural context of a community has been thoroughly examined before the art is commissioned. Understanding the local mind-set and how art might relate to it should be planning activities which are eligible for funding. They are not, under the existing Art in Public Places program, although that agency does fund consultants who may consider such things.

We have ourselves proposed that in each case, before commissioning a work of public art, we develop an "environmental profile" of an area. Who lives there? Who has lived there? What economic activities take place and took place there? What historic events are associated with the place? What are the existing amenities, and how do people respond to what is there now? What did the place once look like? How do people use the space now? How do their present habits suggest they might use the space if retailored in this or that way? One cannot—and certainly should not—draw up such a profile in isolation: It needs the participation of local public officials, storekeepers, historians, developers, and residents, and feedback from all of them. It should include a clear statement of the design constraints as well as the available arts resources and traditions. Then, local people and the artist together should develop in a workshop session some basic artistic concepts and themes. In the case of George Segal's "The Steelworkers," it can be a means of fusing the distinctive vision and style of the artists with the saga of the community. Ultimately, every process requires an endpoint, a decision, and that might mean settling for the glamour of a great contemporary name in art, and ending up with another "Batcolumn."

But the process of compiling the environmental profile becomes a tool for encouraging interaction among different groups as well as a means of generating a body of information that an individual artist or community member would probably have difficulty acquiring on his own. The profile should not be viewed as a constraint on the artist's creativity, but rather as a mechanism for challenging him to respond to the context of a given environment and to under-

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stand what that context connotes. It should help the artist tap into the energy that is already invested in place-meaning, as well as document for the sponsoring agency the sentiments of the community. The modest expense of such an effort might avoid the more exorbitant cost of stalemate, outright failure, or lingering community resentment which has characterized quite a number of public art projects.

THIS process could address the concern of Professors Stalker and Glymour for the moral basis of public art. I find this moral basis in the capacity of public art to connect people with their history, their culture, their place, and to do this in novel and iconoclastic ways with a set of associations that affect many (never all) viewers and users. Public art tells us we are connected to a place, and leads us to a sense of proprietorship of it. It is only by making these meanings more accessible to more people that we can restore a vision of place as something of public value. This mental linkage of people to place, reinforced or recreated by public sculpture, becomes the basis of an ethic. It can be the basis for treating the built environment more respectfully and responsibly. Working as he did in the natural environment, Aldo Leopold recognized this connection between ethic and image earlier in this century when he wrote:

> An ethic presupposes the existence of some mental image of land as a biotic mechanism. We can be ethical only in relation to something we can see, feel, understand, love, or otherwise have faith in.

Public art responsive to place can become one basis for an ethic of the built environment.

Ronald Lee Fleming is coauthor with Renata von Tscharner of Placemakers: Public Art That Tells You Where You Are *(Hastings Heights, New York, 1981). He is the founding chairman of the Cambridge Arts Council and is President of the Townscape Institute.*

Artists in Society

EDWARD LEVINE

IN *The Malignant Object* we find a rather casually researched attack, ostensibly against some forms of public sculpture, but tacitly against "modern art." It does not seem productive to engage in a refutation of the view set forth in the article. The problems with the article are partly due to ignorance of the discipline. It is sufficient to say that there are statements made without supporting data on one hand, or without careful or adequate definitions on the other. For example, how do we know that the public has a distaste for

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public sculpture? What does it mean for art to "say something interesting or serious?" What are the criteria for these adjectives beyond the "tastes" of the authors? How does one determine or define the "public interest" or the benefits to the public? How does one talk about the significance of contributions to a discipline if one is not thoroughly familiar with the language of that discipline, its history, and its critical issues? Why are not the questions about public sculpture also raised in relationship to public architecture or public design?

The issue which deserves further comment is the value of the artistic attitude in a democratic society and the responsibility of artistic consciousness to the public and society. "If art is serious then aesthetic values must interact with moral values and aesthetic reactions must also help determine moral obligations." I agree with the authors that aesthetic values must interact with all values but not in the way implied by the authors—that art or public art should reflect or support those values. If art were to interact with social or moral values in the terms of the authors, then art would become at best social criticism or at worst illustration. Both of these activities have their importance, but neither is central to artistic activity, nor are they involved in the overriding values art has for a society.

The activity of art can be defined as that which interrogates the values and assumptions of a culture. The particular realm of the visual artist is that of perception and the investigation of visibility itself. The social situation in which the artist is placed or in which the artist places himself affords a perspective which permits a probing of the values that a society holds as well as its prevalent intellectual assumptions.

In part, this aspect of artistic activity is acknowledged by the authors, who look at the modern artist's work as an attempt "to locate the tacit constraints on the prevalent sense of what is artful, a limitation on the sense of beauty . . ." Whatever "beauty" is, it is not a real issue for the artist. A search for beauty would merely be a form of indulgence. It may be a result of art but not its goal. What is intentional is a refusal to accept the restraints of the culture and even of the discipline. Or, put another way, these restraints become the source of further investigation and form the basis of new perspectives which uncover the limitations of the older views. All art, then, is by nature experimental, not just "modern art." As an activity it is constantly crossing the boundaries which tend to limit where it may go or what it may question. In fact, it is an activity which puts everything in the interrogative mode. We should not assume that it must arrive at one answer. It is sufficient to suggest that there may be other alternatives or viewpoints which may expand or even alter what we conceive as the irrefutable grounds of our beliefs and knowledge.

Because the artist has the freedom to investigate these assumptions and question these values, we become aware of how they limit or circumscribe what may be known or experienced. This is,

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at the same time, a very dangerous position for the artist to take. First, it may lead to an increasing alienation of the artist from society. Second, it may lead the artist to excesses and to a polemical art. Third, it places the artist in an adversary role in relationship to the values and norms of society. This position often leads some members of a society to seek limits to or to destroy the artist's freedom. The freedom for which the artistic activity stands is in tension with the more conservative activities a society must take to protect itself and preserve its stability. On the one hand we find the artist who searches for new order, who is restless with the status quo; and on the other side we find the natural bent of a society to maintain itself and maintain its authority. Out of this confrontation we can expect the inevitable desire to limit artistic activiy that is manifested in the attitudes of the authors. (Plato was insightful about art—he wanted to limit the role of the poet in his society.)

The interrogation and confrontation the artist has with public values usually does not take place directly. It is the result of the activity of art itself which may be called its existential character. It grows out of the nature of the artist's activity as a personal search, a seeking for the not-known. What is at stake is the individual's attempt to assert the value of personal sensibility against the corporate and communal sensibility of the society. Art can only be serious when this sensibility is asserted, where the artist, by claiming the right of his sensibility, at the same time makes a tacit claim for the values of each individual's sensibility. Art then makes a statement about subjectivity.

But this does not mean a cult of aestheticism or a denegration of the objectives, only that both must exist for a society to remain vital and whole. One sensibility attends more to quantifications while the other attends more toward the particularity of experience and its tactility. We should avoid seeing this relationship as dichotomous, when in actuality it is complementary, each activity forming a base for the other sensibility to exist. Art makes no claims for being anything of value to the larger society. Its existence is a witness to another aspect of being which the society can choose to accept or ignore. Art has no public policy. Rather, the public has a policy toward art. Art's lack of public posture is its strength. Once it makes demands on society, it may lose its perspective and a central aspect of its freedom. On the other hand, it is interesting to note how society continues to make demands on art, as we see the authors attempting to do.

THERE is a sense in which artists are not prepared for working within the public domain. The work of most artists within this arena is actually art made public, which we can distinguish from public art, in which the artist's intention was to take into account the restraints of both the environment and the people who use a particular location. Artists have, for the most part, been isolated in their studios both as a result of the nature of their activity and the social situation in which they find themselves. When they are

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asked to do a "public" work, they often find it difficult to deal with the politics of the situation. Here I am using "politics" in the best sense of the word, to mean the values and issues of the public and the nation. But what the authors fail to recognize in their argument is that the artist is asked to play a certain public role by the public's representatives. He or she makes a contribution of the work which is then judged by the society. There is no moral or ethical question to be directed to the artist about the work in the public domain, only an aesthetic one.

There is no issue about the imperiousness of the process since the sculpture placed in a public context comes about through public policy administered by the public's representatives screening public art. Questions about the judiciousness of this policy should not be cloaked in the grammar of ethics or morality of art, but in the context appropriate to public policy regarding art. Art is not a moral issue. The actual moral issue concerns the tactics and processes used by those who desire to limit access to art. There is no *a priori* right and wrong. There is certainly an issue about the rights of the individual versus the rights of the society. But such issues must be worked out through dialogue. They cannot be resolved if one party is eliminated.

The support of the arts, whether public or private, is neither defensible or indefensible. This support, or lack of it, has very little to do with art as an act of inquiry or discovery. There is an interesting symmetry here. The authors raise questions about art and value as a social experience. On the other hand, artists are continually raising questions about the values and ideas of society. The symmetry is broken, however, when one party refuses to permit the possibility of sharing one of the few public experiences which has the potential to transcend the isolation of our subjectivity through its affirmation. Because art acknowledges the primacy of individual sensibility, one wonders how the elimination of one of its primary manifestations can strengthen the public good. How incongruous to claim the authority to make judgment for the public which would preclude each person's opportunity to strengthen and assert his or her own aesthetic sensibility through personal response.

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A Reply

DOUGLAS STALKER & CLARK GLYMOUR

Mr. Fleming takes our argument seriously, and accordingly discusses how one might accommodate contemporary sculpture and the public interest. We welcome his remarks and find a good

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deal of merit in them. Unfortunately, our three other commentators leave us disappointed and dismayed, and for three main reasons.

First, they rarely address the argument in our paper. For example, Professor Levine doesn't think it a view worth refuting and Mr. Beardsley regards our analogy with public pornography as nothing more than a minor amusement: They substitute disdain for coherent objection. Second, these commentators repeatedly misrepresent our claims. For example, Mr. Von Eckardt thinks that choosing what is taught in a public university has some bearing on our point. It does not, for we are concerned with determining what to display in a public place and our classrooms are not public in anything like that sense. Again, Mr. Von Eckardt sees our paper as an attack on contemporary art and a defense of some other type of art. This is a misreading that we explicitly cautioned against; if the truth be known, one of us actually admires many of the pieces we have discussed. Third, a good portion of these comments—far too large a portion—amount to invective and *ad hominem* argument. Mr. Von Eckardt, for instance, compares us to Know-Nothings, while Mr. Beardsley thinks we are merely "faint-hearted" in the face of today's public sculpture, Professor Levine charges us with ignorance of art, but utterly fails to indicate what knowledge would dispel our case. Neglecting these irrelevancies, we will examine briefly a few points from each of these three replies.

Mr. Von Eckardt makes two main points, and both are in error because they disregard the interests of people who are affected by public sculpture. His first point is that public policies in accord with our argument would lead to the public display of bad art. How so? These policies would consider the interests of all of the affected public, including the Philistines. Of course, such consideration might lead to the display of art deemed bad by the art community, but this does not show anything is wrong with these policies or the argument with which they are in accord. That argument is about a matter of public concern, the use of public spaces, be it for sculpture, parks, prisons, or parking lots. In a matter of public concern, it seems patently immoral to simply disregard the interests of members of the public in question. Mr. Von Eckardt's second point is that nothing is amiss with the current practice of spending tax dollars for today's public sculpture. The government has guidelines for doing this, and the guidelines are followed by panels of experts which select works of contemporary art. Mr. Von Eckardt thinks this is as fair as can be. But there is abundant circumstantial evidence that much of the public does not like the works selected, and, as we argued, these works produce identifiable harms to the public. The mere citation of bureaucratic procedures is insufficient to make any case that they afford protection against the harms we allege, or even involve recognition of such harms.

Mr. Beardsley thinks that a good deal of the public really does want contemporary sculpture in its public places. With regard to our claim to the contrary, he implies that our evidence is con-

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fined to letters in newspapers. Yet our evidence is in fact drawn from a wide variety of sources which, in the absence of valid sociometric results, merit serious consideration. To show that the public (at least much of it) wants today's public sculpture, Mr. Beardsley cites figures on how much local governments appropriated for these works between 1967 and 1980. Such figures show little, if anything, about how much the public wants contemporary art in its public areas. They do show something about the way tax dollars are spent. To put the point simply, we do not believe that many of these expenditures were the result of direct referendums. Since the question is one of the moral justification for an area of public expense, the question is only begged by pointing out that it is a large public expense.

Professor Levine attempts to show that today's public sculpture is good for us. Quite simply, he claims this art does something that needs doing in public—it raises "questions about the values and ideas of society." Professor Levine says nothing to substantiate such claims. He says nothing to *show* that today's public sculpture typically raises provocative and important questions in an accessible fashion; he never considers whether today's sculpture raises these questions better than an editorial or a sermon, or whether raising these questions outweighs the dislike and harm we argue much of today's public sculpture occasions. It is a typical litany within the art community that today's public art enhances public well-being, and Mr. Levine is just following in this dismaying tradition without addressing the real issues in any substantial way. Our very point is that such claims can only be taken seriously if these elementary issues are addressed in a thorough and plausible way.

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Art and anxiety: the writing on the museum wall

MARK LILLA

AMERICANS have seldom been able to approach high culture with any great degree of comfort. Like Christopher Newman in Henry James's *The American*, we seem to examine and "consume" the arts with a high sense of purpose and method, constantly learning and improving ourselves without being able to relax and enjoy ourselves much. Where else but in America could such a large battalion of critics, advisors, courses, and magazines be supported to advise on everything from art, music, and literature, to dress, decoration, and cuisine? And we still seem highly vulnerable to the critical reproval of Europeans, whether it be Mrs. Trollope trying to "refine" our manners, or George Steiner advising that we abandon hope of producing an authentic, independent high culture or of becoming anything more than a repository of European culture, an "archive of Eden."

It seems especially odd, then, that our cultural discomfort has not prevented periodic "culture booms." Russell Lynes writes that one of the first "culture booms" occurred in the 1840's when private art unions were formed to hold lectures and raffle off cheap reproductions of famous works of art; another followed the publication of James Jackson Jarves's *The Art Idea* and the founding of several major museums in the 1860's; still others can be said to have sprung

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from the economic growth directly following the Civil War and World War II.

The typical cynical explanation of these periodic events has been that they are confirmation of America's "inherent philistinism," instances of "plutocratic encroachment" on culture. It is true that economic growth did underlie many of these outbursts and did lead to certain gaucheries—the art unions, certain aspects of the Centennial Exhibition and the Columbian Exhibition—and that there has been a problematic relation between art, democracy, and economics in America.

But is this how we are to explain the current explosion of attention given to the arts? That there is such an explosion is fairly clear: The Institute of Museum Services of the Department of Education reports that visits to art museums rose from 42 million in 1975 to nearly 50 million in 1979, almost a 20 percent increase in only four years.[1] And although no adequate figures are available, it is also quite clear that visits to concerts, theater, and dance have been rising as well. With government support, symphonies, dance companies, and theater companies can now be found in the most improbable parts of the country. And, of course, there is an accompanying critical debate over the value of all this new cultural activity.

Yet what differentiates current American affluence from previous periods is that, for the first time, we are experiencing *educated* affluence, and this has cultural consequences. Mass higher education and mass professional and graduate education have meant that very many of us now have the money, leisure, and inclination to visit museums and attend concerts and plays. The question remains whether our education has given us the taste and discernment to fill us with "sweetness and light," or whether it has had no influence on our sensibilities at all. What drives us to culture these days? Does it matter?

It is in the museums, I think, that this shift in the cultural audience is most clear and appears most problematic, both for us in the audience and for the museum itself. It is problematic for museums because, over the last several decades, they have responded to their new audience in rather startling ways, by changing what is shown, how it is shown, and how the "art experience" itself is marketed. Much of this change can be explained as a response to adverse economic conditions in the museum world, but that misses the point: However much museums as businesses have had to adjust, the *nature*

[1] *Museum Program Survey*, 1979 (National Center for Educational Statistics, 1981), p. 64.

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of that adjustment has been determined by the nature of their new audience. Changes in each realm have produced a new relation between museum and audience, one based not on either adjusting itself totally to the other, but on a rather uneasy compromise between the two.

New brows and the cultural "bends"

Since Matthew Arnold, the way we view cultural class distinctions has changed with other social and cultural developments. Economic class was the basis of Arnold's separation of Barbarians, Philistines, and Populace in *Culture and Anarchy*, and in class-bound Victorian England this relationship between economics and culture was no doubt correctly understood by him.

In this country, where economic class is far less determining, cultural class differences seem to develop more independently. When Russell Lynes gave his exhaustive definition of "high brow," "middle brow," and "low brow" in his *Harper's* article of 1950, he wished to make it clear that cultural "brow" had become something which could be separated from economic class in modern America. High brows were no longer just aristocratic connoisseurs who had the money and class background necessary to patronize the arts, they had also come to include other, more serious intellectuals—editors, critics, professors, writers. Whether well-paid or struggling, the high brow was to be distinguished by "a certain air of omniscience" on cultural matters; in other words, he felt comfortably superior. A low brow, on the other hand, was someone who "doesn't give a hang about art *qua* art" and who was, of course, universally adored by high brows intent on preserving "authentic" low-brow culture. Everyone in between was middle brow, hopelessly bourgeois strivers who lacked the insouciance of the low brows and the haughty self-assurance of the high brows.

Lynes's examples of the differences between the brows in art, music, clothing, furniture, and entertainment are still quite funny and revealing today, but something (or someone) is clearly missing. That "someone" is the product of the post-war mass higher education mentioned above: the young educated professional. How do they fit into these schemes? We do not really have an appropriate name for those of us who are products of contemporary American society: educated but not scholars; overwhelmingly single for long periods; a large proportion of income spent on travel, entertainment, and restaurants; located in college towns and fashionable inner-city

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neighborhoods of cities such as New York, Washington, Chicago, Boston, and San Francisco. (A large proportion of this journal's readers and staff is no doubt included.) Few are "high brow," none are "low brow," and "middle brow" doesn't quite fit. If we are not a "new class," then perhaps a "new brow"?

When Lynes wrote about the middle brow, he was shrewd enough to see that something was happening to this group after the war and that a distinction was emerging between "upper" middle brow (what I have called "new brow") and "lower" middle brow. Lower-middle brow has come to be associated more closely with the middle-class family and the cultural practices that go with it—dinner theater, suburbs, book clubs, musical revivals, Las Vegas, etc. The new brows are caught between this group and the high brows; they are forever trying to bring middle brow up (public television) or high brow down (Mostly Mozart festivals). If middle brows always feel most acutely the typical American cultural discomfort, those in the new brow are the worst off because in culture a little learning is, if not dangerous, an awfully burdensome thing.

And those of us who are new brows have quite "a little learning" when it comes to cultural matters. If raised in a working-class or middle-class home with solidly low-brow or lower-middle-brow tastes, we will receive in college both a formal general education and a professional one, and also an informal *cultural* education. It is in college that we will probably hear our first symphony, see serious theater productions, read the great books, take an art history course, visit museums regularly. We will learn to tell an expressionist from an impressionist, Modigliani from Monet, Chopin from Schubert. We do not become connoisseurs of the arts, but within the space of four to seven years spent on campus we will have moved from the world we once knew, the comfortable cultural world of our parents, into . . . what? Unless we devote a good deal of our time and energy to developing tastes and catching up to those whose lives have revolved around the arts, we will not really be high brow. Our cultural experiences will have been overly didactic, not naturally accidental. Yet we will know high brows when we see them, and they will make us nervous.

Speed is the problem, not just education or the lack of it. Culturally, mass higher education has forced a whole generation from *I Love Lucy* to Debussy in the space of a few years. Taste takes time, and unless the young person enters college intending to devote most of his time to developing discriminating tastes, he will find himself with a bad case of the cultural "bends." In college he will

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have learned that an educated person should appreciate and keep up with art, classical music, opera, dance, even contemporary novels and poetry. The old middle brows used to believe this too, I think, but not because of exposure to higher education; the businessman, for instance, would want to show that he was an upright member of his community. The attitude of the calm old middle brow, or the nouveau-riche, was always "I don't know much about art, but I know what I like (and I can buy it)"; the attitude of the new brow is "I don't know much about art, but I really should." Thus are the new brows distinct from the middle brows—we are part of a large group that has expanded incredibly over the past 25 years; we ourselves try to develop taste in the space of a few short years; and we enter the cultural realm because of our education, not our incomes or our standing in the community.

No doubt others have been in this uncomfortable position before —children of immigrants, those who left rural areas for the city. Upward economic mobility always has its cultural consequences for those who take the opportunity to improve their condition. What distinguishes our generation is that there are so many of us who use our education to achieve upward *cultural* mobility. It has always seemed impossible, if not absurd, to expect more than a few in America to become connoisseurs of high culture, and there is nothing wrong with that; what *is* unfortunate is that we have come to expect so much more from ourselves.

This situation is similar to the one of contemporary artists which Lionel Trilling described in *Beyond Culture:*

> Ours is the first cultural epoch in which many men aspire to high achievement in the arts and, in their frustration, form a dispossessed class which cuts across the conventional class lines, making a proletariat of the spirit.

We new brows cannot begin to hope for *achievement* in the arts; we only seek understanding, and in our desire to get it we have become a cultural proletariat brought together by anxiety rather than frustrated achievement. And cultural anxiety can be quite a powerful force in determining how people approach the arts. Am I stupid if I don't understand this? Am I a philistine? Should I take a class or read a book? *What's wrong with me?*

"People like me"

Fine art may be the one realm in which cultural anxiety can be most accute and is most evident. Perhaps it is because modernism

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in the fine arts is more highly developed and widespread than in music, theater, or dance; perhaps it is because fine art is more personal and is experienced individually; perhaps it is just the word "art." Art is something an educated man or woman should be able to both understand and enjoy, but we are hard put to do either.

This is precisely why museums are an interesting litmus test of the general relation between cultural institutions and the new audience. Museums are highly visible and accessible, there are few major ones, their shows are well publicized, and they are usually important civic institutions. More public attention is probably focussed on museums as symbols of high culture than on symphonies, opera companies, or dance companies, and it is probably also true that museums—precisely because they often are public institutions—pay more attention to the public at large than do these other cultural enterprises.

As museum management has become more professionalized, the museums have taken to hiring survey consultants to tell them who their audience is and what they like. A recent survey commissioned by the Hirschhorn not only does this, it also reveals some of the motives that drive people to the museum.[2] The primary motive seems to be an autodidactic one: When asked why they were visiting the museum during a Botero show, 36 percent said "to learn about modern art," and another 32 percent said to learn about the specific artist's work. Only 15 percent mentioned recreational reasons, and the rest were part of tours or came to see the museum building. The study also quotes extensively from the questionnaires, letting the respondents confess their own anxiety.

> I felt very ignorant here. I didn't understand what it all meant. I just wish I could look at the works more intelligently.
>
> I'm ambivalent. I feel good about the art and bad about myself. Not bad really, but inferior. I have never been taught how to appreciate contemporary art, and I know there is fabulous stuff here, but I'm not getting enough.
>
> The building and ambience is [sic] great, but they fall far short of reaching people like me.

Who are "people like me"? Not surprisingly, they seem to fit the category of new brow rather well—78 percent attended college and/or had a professional degree; 72 percent were either profes-

[2] Robert L. Wolf and Barbara L. Tymitz, *"When Will the Fourth Floor Be Open?": A Study of Visitor Perceptions of the Hirschhorn Museum and Sculpture Garden* (Museum Reference Center, Smithsonian Institution, 1980).

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sionals, white-collar workers, or students; and the median age was about 30. (What *is* surprising is that a group of people so well educated should make comments like this at a showing of Botero's paintings, which, with their satiric obese simplicity, can hardly be considered the most off-putting of contemporary works.)

If these survey results are representative, and if the motive for much of the new museum audience has indeed become an educational, therapeutic one, have the museums themselves understood this and responded? Answering this is difficult, mostly because museums and their curators and directors are like the rest of us—they seldom explicitly set out in new directions. But if the organization of museums and their shows are examined—the types of shows they put on, the programs, the layout of the shows and collections, the museums stores—it looks as though museums have met the new audience halfway.

The three museum challenges

American museums now face three challenges, challenges that help explain how and why museums have changed in the past several decades.

The populist challenge. America's schizophrenic attitude toward the arts is profoundly democratic—it rests on the notion that, while everyone should have the opportunity to improve himself, no person will ever become better than another. But this means we live a double cultural life—it should not surprise us that the dedication plaque at New York's Lincoln Center begins "The arts are not for the privileged few, but for the many," yet those lines were written by John D. Rockefeller, III.

American museums, and especially museum criticism, have always been caught between the forces of populism and standard-setting as they have developed, which is why Karl Meyer called them "the American hybrid." Early American museums were either private or academic in nature; others were "dime museums" that included sculpture and reproductions of dubious lineage, animals, wax figures, and circus freaks. (P. T. Barnum ran a large one in Manhattan in the mid-1800's.) Since then the debate over the future of museums has always set "populists" against "elitists." At the turn of the century these two positions in American thinking were articulated by philanthropist James Cotton Dana (founder of the Newark Museum, often called the "evangel of museum populism") and Paul J. Sachs (director of Harvard's Fogg Museum); in the 1960's the antagonists

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were those who would build "museums without walls" (Malraux) and would open the museum to various ethnic groups, neighborhood organizations, and children, set against cultural conservatives who wanted to preserve their own sense of standards against what Ernest van den Haag called "democratic snobbery."

Of course, this distinction is much too sharp because museums have always been bourgeois institutions. It is with the rise of the middle class in Europe and America in the 19th century that the public display of art becomes both necessary and possible, so in a sense museums have always served to popularize art and educate the museum visitor. (Most museum charters do direct the museum to educate the public.) *How* they do this and the extent to which they feel they must do this will depend on the character and size of the middle class, so even in theory museums will never be entirely "populist" or "elitist."

In practice, the whole question of "populism" and "elitism" becomes one of audience and museum design. If we are to have a certain audience attending the museum, how are we to display the art and encourage attendance? Do you design the exhibit openly and allow the viewer the room to contemplate and follow his eyes and instincts to make the right connections between periods and artists, or do you structure the collection strictly by period and artist? Should extensive historical and critical information be placed next to the works to help the viewer, or would that be distracting? Should the museum concentrate on developing a wide-ranging permanent collection, or should it limit itself to displaying popular travelling shows?

The economic challenge. If the populist challenge is nothing new, the economic challenge is more recent and paradoxical. Why is it, one may ask, that we seem to be becoming richer as a country yet supporting the arts becomes ever more difficult? Economic growth and personal affluence really should give people more "discretionary income" to spend on cultural pursuits, yet it seems harder and harder to support the arts through fees, donations, and public and private grants.

All the arts institutions, including museums, are suffering badly from what economists have come to call "Baumol's disease" (named after economist William Baumol). As economies grow they generally become more productive as well, and this usually means that labor becomes more productive; and more productive labor means more expensive labor (relative to capital). (This is simple to understand: If technology makes an unskilled worker valuable by letting him

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push a button, the cost of any work he does inevitably goes up.) But there are certain areas of the economy in which labor simply cannot become more productive; yet labor costs in general continue to rise. This is precisely the position the arts find themselves in today. It is impossible to play a symphony or stage an exhibition more "productively," so the price of attending and supporting these events will rise faster and faster as the cost of labor goes up. Professionals in the arts are not used to thinking of themselves as "labor" in this way, but they are if they wish their salaries to keep up with those in the rest of the economy. This is the real reason why all cultural institutions have found themselves in such financial trouble over the past twenty years—our economy has become too productive.

To read the professional museum magazines—*Museum News* or *Museum Journal*—it would seem that these financial problems are consuming more and more of the curators' and directors' time. To make ends meet they have had to increase the audience and outside subsidies by hiring marketing firms, buying fancy equipment, and conducting complicated and expensive surveys of the audience. In short, museums have had to become more business-like and more attentive to their image among the general public.

The modernist challenge. Populism and economics both persuade the museums to open their doors to the public; modernism has sought to shut them. This does not mean that modern, even contemporary, art enjoys no popularity. Indeed, as Hilton Kramer has noted, the development of modernism in this century is rather ironic in that it *has* attracted the very class, the bourgeoisie, which the avant-garde has publicly set itself against; what remains, he writes, is "an imaginary enterprise engaged in combat against imaginary adversaries." While this is true enough of a portion of the middle class, the general public is still put off by most contemporary work and the attitude of the artists remains adversarial, an attitude Tom Wolfe summed up in a phrase: "The public is not invited (it gets a printed announcement later)."

It is interesting to see what effect this has had on the museums and their curators and directors. These museum officials find themselves uncomfortably caught in the middle: Populism and economics make them tend toward letting in the "masses," but the public will not always be attracted to the art to which they, the directors, have become attached. How is it possible to increase the "head count" and still remain *au courant*? The public is already by-passed whenever contemporary art moves from the loft or gallery directly to the museum without intermediary buyers; is there any reason to

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expect the public to flock to contemporary art once it is in a museum? It is this final challenge, then, the modern one, which gives the other two their force. No longer is it a question of standards versus populism or economics; it is contemporary modernism against these ideological and economic forces.

The new-brow museum

In a way, new brows have helped to resolve those contradictions. What museums really need today is a public that desperately wishes to come to the museums regularly, thus boosting attendance and bringing in revenue, but a public *also* willing to view contemporary modern art and other difficult art, and perhaps even desiring to learn about it. What distinguishes the new brow as a museum visitor is precisely the qualities noted above: a desire to consume culture, an anxious need to understand, and a wish to be up to date. Contemporary art thus becomes a positive *attraction* rather than a stumbling block. American museums seem to understand that they have a new audience able to reduce their ideological and financial problems, and have taken several steps to make them into the most important, and most catered to, museum audience.

Bring them in. In their concern to increase what they call the "head count," museums seem to be focussing their attention on the potential and problems associated with the blockbuster show. The definition of what is a blockbuster and what is not remains unclear if one is to read the museum journals, but the word is usually applied to travelling shows accompanied by large publicity campaigns, huge crowds, and paraphernalia (t-shirts, bags, etc.); some are so large (Picasso) that elaborate ticket systems must be developed to handle the crowds and schedule when the public can see the show. One might think that these sorts of shows are an unmixed blessing because they bring in so many people, but museums are starting to realize that the large costs of putting on the shows make them less attractive, and they also "change the audience," as one magazine put it. (The unarticulated question, after the Tutankhamen show, being: "Is any show that provides Steve Martin with comedy material *too* democratic?")

Blockbusters do reopen the populist question, though they are less important to new brows interested in a high-brow cultural experience. The large blockbusters are simply too large and crowded, there are too many children at them, and there are probably too many suburbanites there as well. The show the new brow will wish

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to attend will be a much smaller, slightly obscure show, usually a small yet well publicized retrospective or theme show. This makes popular the museums that seem to specialize in these sorts of shows rather than display a wide-ranging permanent collection—the Whitney, Guggenheim, and Museum of Modern Art in New York, and the East Wing of the National Gallery in Washington are examples.

Displays of permanent collections seem to have been out of certain curators' favor until recently, and it may be because they simply do not draw the crowds that the shows do, especially the crowds of educated new-brows. To understand works in a permanent collection one must already have a certain degree of taste, sensibility, and discrimination to know what to look for and to know which connections can be made between artists of similar or different periods. Normally, permanent collections just are not didactic enough for the needs and desires of new brows.

Museum directors and curators understand this, and they understand that it is much more effective to put up banners and take out advertisements that publicize "Korean Art," "Edward Hopper," "Botero," "Kandinsky's Improvisations," "Gorky," or "The Post-Impressionists" than to attract crowds with permanent displays of these works. This is educated populism. For the museum and the viewer, contemplation is replaced by the *event*, and the museum changes from a personal collection of great works to an auditorium with marquee. It may not be as tasteful, but it does increase the audience, the right audience.

Hold their hands. Perhaps more extraordinary than the extent to which museums must publicize and organize shows is that the museum itself must become evermore didactic. This happens in the architecture of the galleries themselves. As museums move away from permanent collections organized by period or geography, and towards the sponsorship of travelling shows, the galleries themselves have been turned into mazes through which the viewer is made to walk, and to make the connections which the show organizers wish him to make. In a remarkable article written in 1963, Harold Rosenberg commented on this in the context of the Guggenheim and the Museum of Modern Art:

> When Frank Lloyd Wright's Guggenheim Museum building opened, it was criticized on the grounds that its inclined ramp was not conducive to contemplation. The question of contemplation was also involved in the Museum of Modern Art's drive for twenty-five million dollars to allow, among other things, paintings and sculptures to be presented in separate rooms, what one might call contemplation cubicles. The odd thing is that this notion of contemplation should be trotted out by ex-

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> perts and officials intent on mass education—apparently, they are aware of no contradiction between contemplation and art history. Thus Mr. John Canaday of *The New York Times* attacked Wright for expecting people to contemplate pictures while standing tipped at an angle, yet a few weeks later this same critic expressed a preference for an historical arrangement at the museum of Modern Art over its projected isolation of works in meditation chambers. The matter ought to be faced once for all: do we go to a museum to contemplate paintings or to learn about them?

Rosenberg's challenge, that we must choose between contemplation and learning in museum design, seems to have been answered in new museums and recent shows. The East Wing of the National Gallery, for instance, has a large public space in the center in which to see the large works displayed there—a Calder mobile, a Miro hanging, Dubuffet or Picasso sculptures in a pond. But all the side galleries are like mazes through which the viewer is expected to twist and turn, seeing only what the curators want him to see, when they want him to see it. Even the lighting (as in the "Cycladic Art" show in 1980) is tightly controlled to focus the attention of the viewer on certain pieces at certain times. Free-form contemplation is difficult. The Picasso show was perhaps the most extreme example of this regimentation, as anyone who attended the show will confess. After showing up at the precise half-hour interval stamped on the ticket, the viewer was quickly herded through the exhibit (which had been ordered chronologically), and there were security guards on hand to make sure that no one got out of line or attempted to back-track and see the paintings and sculpture out of the prescribed order. (Pity the poor visitor who tried to see *Guernica* before *Demoiselles d'Avignon*!)

Once in the gallery, the new-brow viewer needs some sort of guide which will tell him what he is seeing and why it is important. He will find this today both in the museum guidebook he will pick up as he enters the museum, and in the criticism which is now written on the walls. Though these new and highly developed "tools" for museum education are used in almost all of the shows, they are also complements to the modern view of art in which the theory precedes the work. Harold Rosenberg examined this in the same essay on "art books":

> Thus no exhibition is complete without its catalogue in which "statements by the artist" or summaries of interviews with him are increasingly featured. Important shows more and more take on the character of art books, presenting wall-scale duplicates of the publications that will result from them.

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> Doubling as museum director and author, the historian has turned the *actual* museum into an imaginary museum where the paintings themselves function as illustrations to bring out the critical or cultural concept: the "periods" of Cezanne or Brancusi, The Nude Throughout The Ages, Abstraction And Nature, Eurasians Under Thirty. In the retrospective show or the show built around a theme, the painting appears as an enlargement of its own reproduction, like the blow-up of a fingerprint.

Whatever the roots, critical guides and the writing on the walls have clearly gotten out of hand in museums today. The guide books themselves have long historical exegeses of the artist's past, his artistic influences, themes and symbols in his work, even his social and political views. (For example, the guide accompanying the recent Kandinsky show at the National Gallery gave not only the obligatory historical and social-psychological information, it also provided a little "decoder" so that the viewer could decode the symbols in Kandinsky's Improvisations—"like other imagery in this series, these wheeled guns [cannons] announce the end of the world.") Excerpts from the guide books, along with additional historical and critical information, are then printed on the walls of the gallery, both at the entrance to the exhibit and around each of the paintings and sculptures. The viewer not only has to look at the pieces of art, he must keep his eyes on the walls and on his program if he is to understand.

Some shows move beyond the printed word and go "multi-media." At a recent show of "Artists and Architects Collaboration" in New York, the visitor was not only met by a long theoretical guide and writing all over the walls (undoubtedly a product of artists *and* architects getting together), but a small vestibule at the beginning of the show was set aside for a television on which played a continuous video tape of an art-architecture critic explaining the theoretical underpinnings of the entire enterprise. And, of course, personalized tape recorders with headphones are now available in many museums, with criticism and information for those mainly seeking to learn about art.

All this assumes a certain level of education and sophistication which new brows have (none of this criticism is so simple that an uninitiated viewer could learn a great deal from it), but it also assumes a certain anxiety and insecurity about art. A true connoisseur does not need most of this; in fact, it will probably get in his way. (But, after all, how many of us are connoisseurs?)

This concern was recently voiced in an article in *The New York Times*. The author, who works at a New York State museum, com-

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plained that all this criticism prevents the educated viewer from learning what he can from the exhibitions and prevents the sort of contemplation which the arts are supposed to inspire. She writes:

> All this is caused by the mistaken assumption that to know more facts about a work of art helps to understand and enjoy it. This is often called "museum education" or "enhancing the art experience." The public is not considered capable of arriving at any independent conclusions about a work of art without being told who made it, when and where it was made, what was used to make it, who influenced or was influenced by the artist, what the historical and art-historical situation was when the work was created, what battles were fought outside the artist's window, the vintage of the wine in his most recent still life.
>
> A vicious cycle has been created: The public expects the information and the museums provide it, and the more the museums provide it the more the public will expect it and feel at a loss without it. Thus, an already insecure public is made to feel unable to take even the simplest step toward esthetic judgment without the crutch provided by the label.
>
> This bad habit has been justified as "making art more accessible," but in fact it dangerously shifts the attention of the museum visitor away from the art work and on to the information *about* it.
>
> In all my years of museum-going in Europe, I don't remember ever having been confronted by a written text, right there on the wall, explaining to me what I was seeing.[3]

A standard response was printed in the Letters column the next week. The correspondent complained about Ms. Rattazzi's "elitism" and concluded:

> We live in a society where we label everything, from chickens to designer jeans. What's all this fuss about labeling art?

Sell them something. The economic problems of the museums have also led them to marketing museum "products" which may be found in the museum store. Over the past 10 to 15 years museums have rapidly expanded their stores to meet the demand for "artsy" goods: t-shirts, tote bags, art prints, placards, stationery, cards, books, children's toys and games, even silverware and other household items. All these goods may be purchased in the museum store or ordered from the glossy mail-order catalogue.

For the museums this is clearly good business—total net income from museum stores totalled $35 million in 1979 and constituted about 8 percent of total museum earned income.[4] To the public, of course, products from the museum store are highly "conspicuous consumption" of a cultural sort. Much of this is clearly directed at

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[3] Serena Rattazzi, "Pi-cas-so, Painter," *The New York Times,* July 8, 1981.
[4] *Museum Program Survey, 1979,* Table D-20.

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the mass audience; the shop at the National Gallery is the size of a medium-large drug store, with products all clearly marked with standard price stickers, and anyone comfortable in a variety store will be comfortable in it, even if the products are "art." It would not be surprising to discover that the largest proportion of sales in these shops could be attributed to new brows.

The museum cafe also brings in a good deal of revenue ($13.5 million in 1979), and provides much of what the museum store does for the new brow seeking an "art experience." The new cafe at the National Gallery in Washington is probably the most highly developed and impressive example of this. After walking through the show and learning about the exhibit, and after buying a print or two, or perhaps postcards, the visitor can look forward to relaxing in the cafe overlooking a glass-enclosed waterfall, sipping a glass of wine and munching on a light lunch while sitting in carefully designed green lucite chairs. The ambience is so very pleasant that somehow this, too, is made part of the whole experience of appreciating art and being cultured.

Is there a new-brow problem?

Is there really anything new here? Perhaps all these changes evident in the museums have much more to do with the economic conditions of the museums or the professionalization of museum management than with the creation of an anxious "new brow" that has become the most important segment of the museum audience. (It is awfully easy to over-contemporize cultural and institutional changes of this sort.)

Yet if one examines the state of the audience of other cultural institutions and events it is possible to see this same marriage occurring between anxiety and economics. Music has become a good example. All the major musical events in New York are advertised in the Sunday *New York Times*, and taking up more space than all individual ads are advertisements for concert series. These are not merely season tickets like those one may buy for opera or certain symphonies; these series are often "mix and match" affairs perfectly designed for those of us with some taste for music but not enough to choose concerts and performers individually. There are theme series and period series ("History of Italian Early Music"). For the uninitiated new-brow listener, these series are ideal because they represent a "combination plate" which allows him to learn without feeling too anxious; for the series organizer, it surely brings in the

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marginal listeners. More popular packaging is becoming evident as well. There are several "Mostly Mozart" festivals (the one in New York just celebrated its 15th anniversary) and many "Breakfast with Bach" series across the country. Lincoln Center has just renovated and expanded its gift shop for the new listening audience and now stocks "Mostly Mozart" t-shirts, book bags, stationery, even frisbees.

And on the subways New Yorkers are reassured daily that classical music is not off-putting in large ads put up by radio station WNCN. The ad shows a young bearded man in his mid-twenties, dressed in jeans and flannel shirt, sitting on a pillow in his living room with headphones on. Behind him are jazz and rock posters, and lying in front of him are several rock magazines. In bold face type the ad says: "TO ALL OF YOU WHO THINK YOU CAN'T HANDLE HANDEL." The rest is worth quoting:

> If you've never appreciated listening to classical music, it could be because of the classical music station you were listening to.
>
> At WNCN we bring you classical without cliches.
>
> Our announcers don't sound like a bunch of stuffed shirts. They talk to you, not down to you. Giving you just enough background information without getting long-winded or preachy . . .
>
> Don't worry that you're not your typical classical music listener. After all, we're not your typical classical music station.

Is this not the same audience the museums are trying to reach, and through roughly the same methods?

But even if these are the roots of our "culture boom," is that really so bad? After all, a whole generation, millions of people, are for the first time being exposed to fine painting and sculpture, are attending classical concerts and opera, are going to dance and the theater. Can anything but good come out of this? And people are never entirely masochistic—there surely is a good deal of real enjoyment mixed in with the anxiety.

The problem with populism in the arts in the past has always been that it threatened the arts themselves through an oversimplification of the history of art and a commercialization of its creative energies. But it is an *educated populism* we seem to have achieved in the U.S. today which need not threaten those who are preserving great art of the past or are creating it today. For some people of truly refined tastes, the writing on the museum walls, the programs, and the museum shops may be distracting and annoying, but the connoisseurs are free to do what they have always done. If anything, the creation of a new brow willing to patronize the arts has helped keep the museums afloat *for* the high brows.

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It also seems short-sighted, if not even a little mean spirited, to suggest that, as new brows, we are not really having an "authentic" aesthetic reaction if we are motivated by anxiety or if our hands are being held rather firmly. Perhaps our children will be able to approach the arts without our anxiety, since they will have grown up listening to fine music and attending museums. This is pure speculation, but if this generation of new brows does not constitute a "truly" cultured generation, perhaps the next one will.

A more serious question is whether a public seeking art for reasons somewhat independent of aesthetics will be more likely to sacrifice aesthetics to other goals, especially political ones. This could very well be true, though the politicization of art is nothing new for artists or their high-brow audience. An example of how this can occur with a new-brow audience is the recent national tour of *Dinner Party,* a creation of lesbian-feminist artist Judy Chicago. *Dinner Party* is a large triangular table with 39 individual place-settings for famous and relatively unknown women admired by Ms. Chicago. The artist made all of the ceramics and silverware with self-conscious "feminine" imagery, turning the whole show into a rather embarrassing *mise en vagina* which has been ridiculed by several serious critics.[5]

Whatever the aesthetic merit of Ms. Chicago's enterprise, one has to wonder about the large crowds of new brows that could be seen lining up for the show. (A ticket agency was needed at the Brooklyn Museum to control the crowds, estimated at 75,000.) Were the viewers merely paying their political dues by going to a show with such obvious sexual-political implications? What are we to make of reports that two women fell into intimate embrace at the show and had to be removed? Are new brows with little training in the arts more susceptible to and tolerant of this sort of politicization? Is it all that unusual that a woman I recently overhead on an official tour of the Hirschhorn should furiously ask why *Dinner Party* was not also displayed at that museum, and indeed why the entire cultural establishment in Washington had chosen to ignore women artists?

Misguided artistic politics is a problem for "new-brow culture," but scarcely an overriding one. No, probably the only conclusion to be reached about the relationship between new brows and culture is that it is an unfortunate one. There is no new-brow "prob-

[5] See John Richardson, "Strictly from Hunger" *New York Review of Books,* April 30, 1981, and Clara Weyergraf, "The Holy Alliance: Populism and Feminism" *October,* Spring 1981.

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lem," only a dilemma. Because of our education we have made ourselves tremendously anxious about something that should bring us a great deal of enjoyment, exhilaration, excitement, and enlightenment; and the fundamental relationship between audience and object has been reversed as a whole generation of young men and women feel themselves to be judged by works which *they* should be judging. Rather than developing taste to enhance enjoyment (for what other reasons should one develop taste?), we seem to be going to museums and other cultural establishments in a quest for self-improvement.

In this therapeutic relationship between audience and object there is much old and much new. Even in 1899 novelist Henry B. Fuller could write:

> Art today is a poor creature who finds herself in a position sadly false; the circumstances of the case make it inevitable that she should cause trouble for herself and everybody else. She is a trial, a burden, a bother.

What is new is that this problem is felt so acutely by an unprecedented number of young people who are the cultural consequences of a post-industrial society. We will always be a hopeless nation of class-takers, advice-seekers, and expert-readers; it just is a pity that now the aesthetic experience, too, has become so mixed with anxiety and insecurity for so many. Perhaps one day the writing on the museum walls will be replaced by paintings, meaning that Americans will have finally made their peace with culture. But I wouldn't count on it.

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Shouldn't low-income fathers support their children?

BLANCHE BERNSTEIN

THE title of this article may seem odd. If any proposition would receive an extraordinarily high affirmative vote in a national poll, it is that parents are responsible for the care and support of their children if they are physically, mentally, and financially able to be. In particular, the father is regarded as having this obligation, whether he is present in the house or not. It is a principle embedded in national and state laws governing domestic relations. And yet there has always been some gap between this principle and reality, and this gap has widened in recent decades as divorce rates have skyrocketed and the number of children born out of wedlock has risen each passing year.

Some anecdotal material indicates that some fathers with middle- or upper-level incomes fail to provide any or sufficient support, and so force their wives and children to apply for public assistance, but the data available from various sources on the incomes and occupations of the "absent" fathers of families on Aid to Families with Dependent Children (AFDC) do not indicate that this is at all widespread. The sense of obligation of the divorced or otherwise absent father to support his family holds, by and large, in the middle- and upper-income groups, or else the family obtains support from sources other than public assistance.

This article is an abbreviated version of a chapter in the author's forthcoming book The Politics of Welfare—The New York City Experience.

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The sense of obligation of the relatively low-income father, however, has greatly weakened, as evidenced by the huge increase during the last two decades in the numbers of female-headed families on welfare, most of them receiving no financial support from the absent fathers. Indeed, the welfare system itself, in the sense that it provides an alternative, may, in significant measure, be responsible for the diminished sense of obligation felt by low-income fathers to support their children. One New York City Family Court judge, recounting a typical case in her court in which she inquired of the father how much financial support he was giving to his wife and children, received the reply, "She doesn't need help from me. She's on welfare." One must ask how such an attitude, so contrary to both the ideal and the norm, developed and became widespread. Are such attitudes and the resulting behavior acceptable to society as a whole? If not, can they be changed? By what means? This article is an effort to respond to these questions with special reference to the problem as it manifests itself in New York City.[1]

The legislative background

When the AFDC program was first established in the Social Security Act of 1935, little attention was paid to the issue of child support payments. The presumption was that most recipients would be wives and children of deceased or disabled fathers, and such was in fact the case during the early years of the Program. The change started in the 1950's and accelerated through the next two decades. By 1980, in the country as a whole, only about 4 percent of the fathers of AFDC recipients were deceased or disabled; in New York City less than 2 percent were. But while the characteristics of the welfare caseload changed, and although most state laws provided that support should be sought from the absent fathers, few serious steps were taken by state or local welfare administrations to accomplish this purpose. One reason was that the new facts about child support had not yet caught up with the outdated presumptions; another is that such efforts were not welcomed by the social welfare community or the judiciary.

Dissatisfaction with the results of modest Congressional efforts in 1950 and 1967 to increase collections for child support from absent fathers led Congress in 1974 to the passage of Title IV-D of the Social Security Act. In reporting the bill, the U.S. Senate Committee

[1] The author was Administrator of the New York City Human Resources Administration from January 1, 1978 to April 30, 1979.

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on Finance stated "The Committee believes that all children should have the right to receive support from their fathers. The Committee Bill is designed to help children attain this right, including the right to have their fathers identified so that support can be obtained."[2]

Title IV-D, which came into effect August 1, 1975, requires that as a condition of eligibility for AFDC every applicant or recipient assign support rights to the state and cooperate with the state in establishing paternity and securing child support.[3] Title IV-D also laid down a number of requirements for HEW, Internal Revenue Service, and the states with respect to the administration of the program, all designed to provide an aggressive, effective administration of the law. Finally, it provided for 75 percent federal reimbursement of the costs, instead of the usual 50 percent, and as a further incentive it permitted a locality, such as New York City, to keep 50 percent of total collections for a year and 40 percent thereafter in place of its usual 25 percent. In sum, after two decades of benign neglect of the child support issue, the Congress moved in a massive way to create a system to maximize efforts to obtain support from absent fathers of AFDC recipients.

As with any new large-scale program, establishing the administrative mechanisms is difficult and time-consuming, and this program was particularly complex. As problems arose, recrimination was rife among the feds, the states, and the localities, and between the localities and the Family Court, as each accused the others of not doing what they were supposed to do. In New York City, initiation of the Title IV-D program coincided with the beginning of the acute phase of the city's fiscal crisis. Massive layoffs occurred in the Human Resources Administration (HRA) as in other agencies, seniority rules required transfer of large numbers of staff into different jobs, and the unions complicated matters by prolonged negotiations over appropriate duties of staff in various positions.

Despite all the problems, common in other states as well, the program not only got underway, but by the end of 1976, the first full year of operation, collections exceeded expenditures in most states including New York (but not in New York City). Philip Toia, New York State Commissioner of Social Services at this time, wrote to the Governor and the Legislature as follows:

> Perhaps the most important conclusion that should be drawn from our experience to date is this: IV-D can work. It may seem surprising that

[2] Staff of the Committee on Finance, U.S. Senate, U.S. Government Printing Office, March 19, 1975, p. 3.

[3] In this context "state" includes the political subdivisions of the state as well.

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this is being presented as a conclusion two years after Congress mandated the program. Yet in many ways, the conclusion is an appropriate one. For probably no other major initiative in the field of public welfare has in recent years been as controversial as IV-D. No other program has been as widely attacked by professionals in the field as misconceived, misdirected, and doomed to failure.

The attitude of social welfare professionals

Nowhere was the attack against the program by the social welfare community more acute and more sustained than in New York City. The Community Council of Greater New York, a coordinating group for many of the social welfare organizations in the city, began to monitor the program in February 1976. An interim report issued at the end of the year was appropriately critical of many aspects of the administration of the program. But what is revealing of the attitudes of the organization is the absence of any affirmation of the notion that fathers have an obligation to support their children if they are able to do so.

The final report, entitled "Who Should Support the Children," issued in early 1978, does make a policy statement, but it is ambiguous at best, and at worst is basically hostile to an aggressive program to obtain child support from absent fathers. The Council questions the general societal disposition to place a high value on marriage and points to the increase in the number of female-headed families in the United States during the last two decades. It rejects the findings of any studies which point to a connection—real or collusive—between welfare and family breakup; questions whether the absent fathers have sufficient income to support their families; expresses doubt that it will be possible to establish paternity for the large number of out-of-wedlock children (though as the report itself indicates, establishing paternity proved to be relatively easy); and concludes that the child support program will work effectively only where a legal marriage exists, paternity has been established, the father's whereabouts are known, and his income is adequate to contribute toward the support of his dependents. This is a curious indictment—the purpose of the law was, among other things, to *promote* efforts to establish paternity for those children who needed to have it established (those born out of wedlock) and to locate the fathers, recognizing that this would indeed take some effort.

Apart from the Community Council, many social welfare leaders in the community, who were members of the Advisory Committee to the HRA Administrator at various times between 1975 and 1979,

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opposed the program and urged the various Administrators, including me, to oppose it. The adverse impact of the Advisory Committee's attitude on the operation of the program was clearly evident. By August 1976, a year after its initiation, the program in New York City was, in the view of the New York State Department of Social Services, in complete disarray. HEW officials were threatening sanctions against the state, sanctions which could have meant heavy financial penalties which the state and the city could ill afford.[4]

At an October meeting of top officials of the New York State Department of Social Services and HRA to discuss the problem, state officials were particularly disturbed by HRA Commissioner J. Henry Smith's comment that:

> I don't know if it will ever be a good program. I had a meeting with my Advisory Committee today—these are the high priests of welfare—and they don't believe the program is good or can be. Conditions in New York City . . . make it impossible. Motivations are all wrong; to assume it will do the job it's supposed to do is probably a mirage.

As one reviews these expressions of opposition by the social welfare community, including its "high priests," to the efforts to obtain child support from absent fathers, the following major justifications for their position emerge:

1. The children may be endangered, or the mothers may be harassed and their civil rights abridged.

2. The notion that the father should ordinarily be regarded as the primary source of support for the children is outdated and should be superceded by the view that government must guarantee an adequate income for people in whatever life style they choose to follow.

3. A set of "facts" are assumed: To wit, the fathers can't be found; if found they will not admit paternity; if they do, they do not earn enough to provide support, etc. In sum, it is not possible to administer the program effectively. Therefore, it is "obviously" not cost-beneficial since "experience shows" that it is not cost-beneficial.

4. The effort is nothing more than a reflection of racism, sexism, and hostility toward the poor.

Racism and sexism?

It is worth examining this rationale in some detail. Is it soundly

[4] These threats continued through most of 1977. In the end, however, they were avoided as HRA in 1978 was able to claim sufficient improvement over the situation found by audits in 1976 and 1977.

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based on analytical studies, or is it simply an ideological assertion based on unproven assumptions? My reply is presented seriatim.

1. Child abuse has not been unknown in the history of mankind, though it is fair to say that only in the last decade have we come to a better understanding of the size and depth of the problem. There is much that we do not know about the causes of child abuse, but what we do know from the records of cases brought to the courts is that it is generally committed by the parent(s) or relatives *in* the home, not by the parent *out* of the home.

The notion that the children may be endangered if the absent father is required to contribute to their support is not based on any study or analysis. Rather it is an assertion based on a view of low-income fathers, disproportionately black or hispanic, as unable to bear any responsibility without lashing out physically or emotionally at their children. Undoubtedly, there are such fathers—from all income levels and all races, and mothers, too—but surely, and fortunately, experience and available data indicate they constitute only a small fraction of the population.[5] And when there are indications that serious difficulties may arise, Congress has provided an exception to the requirement that the mother cooperate in locating the father if it would not be in the best interest of the child.

It is essential to the effective administration of the child-support program that the AFDC mother cooperate with the welfare administration by providing the information she has to assist in the location of the father. And it is the worker's duty to probe and to obtain the information and not to accept at face value such statements as, "I don't know where he lives"; "I don't know where any of his family or friends live"; "I don't know what work he does or where he works," etc. Very few out-of-wedlock children on welfare are born of casual relationships. The vast majority of unmarried women on AFDC have had a relationship with the father for at least a year before becoming pregnant, and more than half for two or more years. Among the married women, less than 10 percent had been married for less than two years.[6] They must know *something* about the father.

It is always possible that a social worker may, through prejudice,

[5] A report in the *New York Times* July 21, 1981, one in a special series on children, states that 711,742 cases of child abuse were reported in the country in 1980, involving 1.1 percent of those under 18 years of age. Even if actual cases are triple those reported, the figure would come to 3.3 percent; and, as indicated above, most child abuse is committed by parents in the home.

[6] B. Bernstein and W. Meezan, *The Impact of Welfare on Family Stability* (Center for New York City Affairs, June 1975), p. 30.

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overzealousness, or even incompetence, incorrectly assume lack of cooperation when in fact the mother does not have the necessary information, and that an unreasonable denial of assistance will slip through the review process. But the denied applicant may apply for a fair hearing and in the meantime obtain food stamps and emergency assistance if need can be shown.

Is it harassment or an abridgment of civil rights to insist on the mother's cooperation in naming and locating the father in exchange for obtaining public assistance? In Sweden, which has as liberal and extensive a social welfare program as any country, the mother applying for assistance is required to name the father and provide other relevant information so that he can be contacted and required to contribute to her support. If she does not cooperate she is denied assistance. It is as simple and routine as that and no one charges harassment or denial of civil rights. The social welfare community in New York appears to insist that the client is always right and never says anything but the truth. In the world we live in, this should not be regarded as a liberal view but as simple naivete.

2. It has become fashionable in social welfare circles to accept any grouping of individuals who choose to consider themselves a "family" as such, and in particular to regard the female-headed family as "normal" because of the enormous increase in the numbers of such families since the early 1960's. Since it is "normal," and therefore acceptable, financial support and other necessary services should be provided by the government. But we do not regard crime, drug abuse, or terrorism as normal or acceptable because each has vastly increased in recent years, nor do we accept with equanimity rising absenteeism from schools and factories with its accompanying increase in school dropouts or declining productivity. To suggest that because the number of female-headed families has increased, government should be regarded as bearing the primary or even sole responsibility for support, is circular and absurd reasoning. Of course, government must step in if there is no other source of support. But if the father is financially able to contribute, the mores of the general society require that he do so, and to insure that he, in fact, does so, an effective enforcement system must be established.

3. Most of the social welfare community's "facts" with respect to the possibilities of finding fathers, establishing paternity, and obtaining support, have proved ephemeral and the assertion that the program cannot become cost beneficial has proved unfounded. In the country as a whole, as well as in many of the industrialized urban states (including most of New York State), the program has been

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highly cost-beneficial. New York City has always been the exception.

4. Where does this leave us with respect to the final and most emotional charge that the child support program is racist, sexist, and anti-poor? It is true that in the country as a whole, blacks and hispanics are disproportionately represented among AFDC clients, and that in many of the major cities blacks and hispanics constitute a substantial majority of the caseload. Perforce, they are the major target of the child-support enforcement program. But translating this fact into "racism" must rest on the notion that one should not impose the same standards of family responsibility on black or hispanic men that one would impose on white men in a comparable financial position. But why should we have lower expectations for blacks and hispanics than for whites? Are they inferior? Are they naturally irresponsible? Don't they care at all about their children? Is it a characteristic of their race?

If the responses to these questions are negative, as mine are, the charge of racism is nonsensical, as is the notion that efforts to obtain child support are sexist or anti-poor. Rather, the set of views expressed by the social welfare leaders becomes an elaborate justification, perhaps more aptly called a smokescreen, to permit an indiscriminate use of public assistance funds to redistribute income, not in accord with legislative intent, but in accord with the view of social justice held by many in the social welfare community.

Attitudes of the Family Court

The Family Court has an essential role in the implementation of the child support program. Only the court can make the legal determination of paternity (the basis for requiring support payments), only the court can issue an enforceable support order, and only the court can enforce it. Even support agreements entered into voluntarily cannot be enforced unless they have been submitted to the court and a confirmatory order issued. A major obstacle to the effective administration of the child support program lies in the attitudes of the judges in the Family Court, particularly in New York City, toward the basic legislative policy embodied in Title IV-D.

It must be recognized that the Title IV-D program, designed as it was to promote a vastly increased and aggressive effort to locate absent fathers and obtain support, placed a heavy additional burden on the Family Court already overburdened with a growing volume of juvenile delinquency and child abuse cases, issues of much pub-

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lic concern requiring prompt court attention. Further, the city's fiscal crisis precluded any increase in Family Court staff; indeed, it imposed a decrease.

A host of administrative problems arose in the processing of child support cases through the family courts, and a large volume of recriminatory correspondence was exchanged between state and city officials, on the one hand, and Judge Joseph B. Williams, Administrative Judge of the Family Court in New York City, on the other. But while the Family Court had legitimate problems in terms of limited staff and additional work loads, one must look to the judges' attitudes toward the program to understand why it has been so much less effective in New York City than in a city such as Detroit, which has a caseload similar to New York's.

What was at issue was whether the Family Court and the judges were going to abide by the spirit as well as the letter of the legislation and the administrative regulations, or whether they were going to exploit judicial discretion without limit. That the latter was probable became evident to me in the summer of 1978 when, in my capacity as HRA Administrator, I visited the Brooklyn Family Court and had a long talk with Judge Philip D. Roache and sat in his court to listen to three cases involving child support. Shortly thereafter, I wrote Mayor Koch describing what I heard and saw, and I will quote extensively from the memorandum.

I wrote the Mayor:

> Judge Roache indicated a lack of sympathy with the IV-D program and I shall try to give the flavor of a series of complaints he made as follows:[7]
>
> 1. "What is the point of bringing in all these 18 or 19 year olds who have not seen their fathers for 15 years to try to establish paternity? It's an utter waste of time." I then responded with the fact that there are very, very few such cases. The great bulk of cases dealt with are young children.
>
> 2. "What was the use of bringing the fathers into court since they are all on public assistance?" I said, on the basis of available figures, this clearly was not true. Most of the fathers were not on public assistance. Further, even when they were, we might want to establish paternity in case they later become self-supporting. But we did *not* try to obtain support while they were on public assistance.
>
> 3. "What is the use of bringing these men in for support since none of them are earning very much?" I said some were not earning much and others were earning enough to provide some support according to the state standard which allowed the "absent father" to retain enough income to maintain the Bureau of Labor Statistics lower level standard

[7] Judge Roache's comments are in quotes; mine are not, though both are quoted from the memorandum.

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of independent living. Judge Roache rejected the state standard and said, he "knew better what a man could afford to contribute to the support of his child."

I then moved into Court with Judge Roache and observed the procedure in three child support/paternity cases. Among the six people involved, all were young—somewhere in their twenties. None were married. The three children involved were all very young. The three men were working and all three readily admitted paternity. With respect to this latter point, I felt that Judge Roache in his efforts to inform the men of their right to deny paternity overstressed the burdens this could impose on them without any counterbalancing statement indicating that if they were the fathers of the children, they had a responsibility toward them.

More disturbing was what could almost be called a farce in terms of determining what the father could afford to pay toward support. Judge Roache asked what they paid for rent, a question each was generally able to answer; whether accurately or not, one could not say. He then asked how much they spent on food and what other bills they had—questions which each of the three men found utterly confusing; clearly they had no idea. The three men respectively earned $91, $120, and $140 per week, net of taxes. In one case, the man offered to pay $15 per week, but Judge Roache decided that he should pay only $10; this was the man earning $120 a week who was living with his aunt and paying $25 a week for rent and board. The man earning $140 was already making a support contribution and the amount was not divulged or reviewed by the Court.

I was later advised by staff who are frequently in Judge Roache's Court that even the above sums, which are substantially below the state standard, were higher than he ordinarily allows and may have been due to my presence in court.

On July 25, 1978, subsequent to receiving the above memorandum, the Mayor wrote the Administrative Judge for Courts in New York City, David Ross, bringing the problem to his attention and requesting some corrective action. In conclusion he said, "What is particularly painful to me is to learn that last year the City of New York collected under this program approximately $15 million while Detroit, in a similar period of time, collected approximately $50 million. It would appear to me that the missing ingredient is the will of the Family Court judges to assist by carrying out their responsibilities." Certainly the willingness—or unwillingness—of the judges to fulfill their responsibilities in the child support program is a major factor influencing the effectiveness of the program.

Why judges don't cooperate

I have quoted my memorandum of discussion with Judge Roache at length because his attitudes and views, though not held by all

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Family Court judges, are typical of so many as to exercise a controlling influence on the outcome of the Title IV-D program in the city and state. There are in my view three major reasons why the judges behave as they do with respect to the child support obligation.

First, to the extent that the law permits, judges jealously guard the prerogative of judicial discretion. While Family Court judges are aware of the extraordinary variation in the value of the support orders issued in seemingly similar circumstances, they defend the practice on the grounds that only the judge can make a correct appraisal of the individual circumstances in each case. In brief, each judge tends to regard himself in the image of Solomon. Limits to his discretion are considered not only as a diminution of his power and authority but demeaning to his status.

Second, the politics of judicial appointment in both city and state, where a liberal, humanitarian tradition has generally prevailed, whether under Democratic or Republican administrations, has meant the appointment, by and large, of persons of liberal persuasion to the Family Court as well as to other courts. Exception can hardly be taken to that. The difficulty lies in how the liberal tradition has been interpreted in the public assistance and child support programs. We see again an overreaction to past and existing discrimination against minorities, against blacks particularly, materializing in an uncritical acceptance of what are supposed to be facts but are not, in lower expectations with regard to parental responsibility among low-income families, and a general sense that a little extra income redistribution, over and above legislative intent, is not such a bad idea in an insufficiently just society.

Third, one cannot ignore the politics involved in the appointment of blacks and hispanics to the judiciary. This is not to say that adequate representation of minorities in the judiciary is not an essential element of a just society, and indeed that such representation was not long overdue. Rather, it is to say that those who have the necessary political clout, along with the substantive credentials to obtain the appointments and reappointments, are likely to carry with them the whole ideological baggage of the activist minority community. They stress discrimination and poverty and the obligation of the white community to redress grievances, to the virtual exclusion of any recognition of the advances which blacks have made in education, jobs, and income, or of the obligations which rest on the members of any community to fulfill their responsibilities to the extent possible. Mayor Koch, who has not been exactly restrained in his public criticism of judges in the criminal as well as the Family

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Court, reappointed Judge Roache when his term expired in 1980. Such was the political reality. I must add that what I have said with respect to the appointment of black and hispanic judges applies in substantial measure to white judges as well; many of them carry the same ideological baggage. But there is more diversity of views among the white political leadership and among white judges.

Neither my memorandum nor the Mayor's letter to Judge Ross had much effect. The attitude and actions of many of the Family Court judges continued to be hostile toward the program, as reflected in their responses to the two major matters which control the outcome of the effort to achieve child support from absent fathers: the level of support payments, and the methods used to enforce the support obligation ordered by the Court. It was through its resistance to the administrative tools provided in state legislation or Department of Social Service Administrative Directives that the court impeded the implementation of the policy enacted in the child support program.

In an effort to deal with the wide variation in and generally low level of support payments ordered by Family Court judges, New York State Department of Social Services in 1976 issued a revised standard for such payments. It was reasonably generous to the absent father in that it allowed him to retain at least sufficient income to maintain the Bureau of Labor Statistics (BLS) lower standard of living ($14,393 for a family of four in autumn 1980 prices) and took only a graduated portion of the excess income above the BLS level. It was anticipated that, although not mandatory, it would be widely accepted and utilized by Family Court judges. It was not; court-ordered support payments averaged only 54.3 percent of the state standard in October 1977.[8] A revision of the formula in 1978 to give the judges greater flexibility also had no success in raising the level of court-ordered support payments; the judges set the payment at the lower end of the formula range. Judicial discretion reigns supreme, and as it is exercised in many areas of the country, but particularly in New York City, it reflects a reluctance to impose any significant burden on the absent father to support his children and little interest in reducing the burden on the public treasury represented by the AFDC program.

An enormous administrative effort goes into locating the father, preparing for hearings before a hearing officer and the judge, and finally obtaining the court-ordered support payment, low as it may

[8] Data prepared by Bureau of Child Support, N.Y.C. Human Resources Administration.

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be. The effort is all for naught, however, if the order is not enforced. It was a major problem; in the third quarter of 1977, payments were not obtained on almost two-thirds of the court orders issued in the city. The most effective tool for insuring payments is an automatic payroll deduction order whereby the sum deducted is paid directly to the Bureau of Child Support. Without it, enormous staff time is consumed in going back to court when payments have not been made. Further, arrearages build up and repayment becomes more difficult, if not impossible. The system has been used with considerable success in Michigan and Massachusetts, but Family Court judges in New York were extremely reluctant to issue such orders.

The Legislature responded to this problem by requiring that support orders issued after January 1, 1979 provide for an automatic payroll deduction order in the event of failure of the respondent to keep up with his payments, and in 1979 the state made it illegal for an employer to dismiss an employee because of the imposition of such an order.

It was only a month after the law became effective that I found it necessary to inform the Mayor that "after four weeks of observation, I am distressed to advise you that most of the Family Court judges have decided not to issue this order stating on the record that the law is unconstitutional." HRA again had to return to the Court to request a payroll deduction order in the event of non-payment. Only after HRA instituted appeals and won in the Appellate Divisions in both Manhattan and Brooklyn would Family Court judges in all boroughs permit an automatic payroll deduction order. Thus, full implementation did not begin until August 1980, some 20 months after the law was supposed to become effective.

What happened to support collections

One may ask whether it made much difference what the leaders of the social welfare community in New York thought and said and what the Family Court judges generally thought and did. Has the record of collections of support payments in the city over the five year period since Title IV-D came into effect in August 1975 been any worse than in the rest of the country? The answer is yes, it did make a difference, and yes, the city's record is worse—*much* worse.

In the country as a whole, collections on behalf of AFDC families more than doubled between 1976 and 1978, increasing from $203.6 million to $471.6 million. A further increase of 16.1 percent occurred between 1978 and 1979 and an additional 10 percent rise was

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TABLE I. *Percent of Total Title IV-D Cases with Child Support Collections, Fiscal Year 1980*[1]

All States Reporting	10.8%
Massachusetts	42.6
Connecticut	32.0
Michigan	22.8
Pennsylvania	15.6
New Jersey	12.4
California	9.5
Ohio	8.8
Illinois	7.8
New York	7.8

1 Source: U.S. Dept. of Health and Human Services, Office of Child Support Enforcement, *Child Support Enforcement Statistics*, May 1981, Table 14.

achieved in 1980 when total collections reached $602.3 million. During the same five-year period, collections on behalf of non-AFDC families almost tripled, rising from $308.1 million to $871 million. Collections on behalf of AFDC and non-AFDC families exceeded expenditures by more than three-to-one. In New York City, collections during the same five year period have only increased about 4 to 5 percent per year and still do not exceed total expenditures, although, because of the formula for the distribution of collections among the three levels of government, the New York City treasury still benefits.

It can be unfair to compare New York State and certainly New York City with the country as a whole; the more appropriate comparison is with the other highly urbanized, industrial states. In this case, New York fares even worse, as Table I indicates. It seems New York State collects from only about one-sixth as many cases proportionately as does Massachusetts, a quarter as many as Connecticut, and a third as many as Michigan. The New York City ratio is at the appallingly low level of 3.7 percent.

TABLE II. *Child Support Collections as Percentage of AFDC Payments, Fiscal Year 1980*[1]

All States Reporting	5.2%
Michigan	8.0
Connecticut	7.0
Massachusetts	6.3
New Jersey	6.1
Ohio	4.8
California	4.6
Pennsylvania	4.6
New York	3.4
Illinois	1.6

1 Source: U.S. Dept. of Health and Human Services, Office of Child Support Enforcement. *Child Support Report*, Vol. III, No. 4, April, 1981, p. 7.

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In terms of collections as a proportion of AFDC payments, New York State is the second lowest and New York City is lower still, with less than 2 percent. Michigan has the best record in terms of the proportion of AFDC expenditures recouped through support payments, even though it has one of the higher welfare standards in the country and was, in 1980, in a deep recession with an unemployment rate of about 16 percent. (See Table II.)

Massachusetts and Michigan also lead in terms of ratio of dollars of AFDC child support collections to each dollar of AFDC expenditures for the Title IV-D program, with figures of $3.80 and $3.54 respectively. New York State is at the bottom of the list, collecting only 98 cents for each dollar of expenditures,[9] and this because of New York City which has obtained only 54 cents per dollar of expenditures.[10]

On any index one may choose to compare New York City with other urban areas, the city's record is dismal. Its only competitor for low man on the totem pole is Illinois, influenced mainly by Chicago. Are there lessons to be learned from other states? Are we bereft of means to improve the effectiveness of the program in the city to bring it in line with the achievements in Detroit or Boston, or at least Philadelphia?

For the children's sake

Michigan is frequently cited for its superior achievement in the child support program. Among the factors which explain its success, one which has relevance to New York, is that the program has the support of the unions—more particularly of *the* union in Michigan, the automobile workers. Major auto manufacturers and the unions cooperate with the program to ensure enforcement, with wide use being made of the payroll deduction order.

The Michigan experience suggests that a strong effort should be made in New York by the Governor's and Mayor's offices, as well as by state and local social services officials, to enlist the aid of the unions in promoting the child support program among their members. New York is not like Detroit where one union predominates, but five or six, especially if they included District Council 37 (the municipal workers union), would cover a substantial segment of the city's union membership. The unions could influence their own members who

[9] Dept. of Health and Human Services, Office of Child Support Enforcement, *Child Support Report*, June 1981, p. 7.
[10] N.Y.C. figure obtained from tables made available by HRA, Bureau of Child Support.

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should be making support payments and could create a general climate in which it is taken as a given that parents have an obligation to support their children, if able to do so.

But the Michigan experience makes it clear that unless we change the attitude of a large majority of the Family Court judges, we cannot expect much improvement in the effectiveness of the child support program. Basically, progress can be made only through the political process, and in New York City that means the Mayor. As indicated earlier, Mayor Koch has not been sparing in his criticism of Family Court judges in child support cases, but he has not always followed through when it came to appointments and reappointments. He needs to do so and trust that the public which elected him will not withdraw its support if he refuses reappointment to judges who do not share the legislatively established principle that fathers have an obligation to support their children.

Federal officials involved with the child support program, also concerned over the low level of the court-ordered support payments, have recently inaugurated an effort through the Judicial College to raise judicial understanding of the problem. The size of the effort is such, however, that even if successful, it will take many years to permeate the nation's family courts. The more expeditious method would be for Congress to mandate that each state develop an appropriate support formula for use in its courts and for the states to mandate that judges use that formula in determining the support payment. In sum, judicial discretion needs to be very substantially narrowed with respect to the level of support.

New York State has now mandated a variety of procedures to facilitate the court process through provision for mail service of the summons, establishment of hearing officer panels to reduce the burden on the judges, and means to improve enforcement, through automatic payroll deductions, limitation on the cancellation of arrearages, and a variety of other detailed procedures. But there must still be the will to make it work among those involved in implementation of the program if it is to work well, and that requires informed and vigorous public support for the effort. It is a subject which the city's major newspapers should cover at least as intensively as they cover the public assistance and food stamp programs, and yet they rarely do so.

The leaders of the social welfare community have been successful in creating a climate of opinion unfavorable to the child support program among those who have a significant role to play in its implementation: the judiciary and the large body of workers in HRA

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who do the daily work of interviewing clients and absent fathers and handling the details of the cases as they go through the court process. They should not be left unchallenged. The problem has not been high on the agenda of other civic groups in the city. It is time that they took it up. It is an issue which ought to be of concern to the major women's groups. They have favored the child support program on the national level but do not appear to have devoted their attention to the implementation of the programs at the state or local level. It could be useful if they took up the cudgels for an effective program in New York as well as in other major cities. The stakes are high, not only in potential savings of public funds, but more importantly for its potential as a deterrent to family breakup and its deleterious consequences for the children involved.

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Educating the handicapped: reforming a radical law

JOHN C. PITTENGER & PETER KURILOFF

Few educators would dispute the fact that Public Law 94-142, the somewhat grandiosely-titled "Education for All Handicapped Children Act" (hereafter, the Act), was the single most important piece of federal education legislation enacted during the 1970's. In one sense, it can be seen as a logical outgrowth of the civil rights legislation of an earlier period—the extension to handicapped children of "equal protection" in the form of equal access to the public schools of America. But in other ways, the Act went far beyond any prior legislation.

Essentially, the Act attempts to improve the education of handicapped children by creating two quite distinct "rights," which can be usefully classified as substantive and procedural. The substantive right is the right to an "appropriate" education—a term not otherwise defined, except that the Act creates a presumption against the appropriateness of separate classes or facilities for handicapped children. The procedural right is, in fact, a bundle of rights which is intended to ensure that the decision-making process is fair, and involves continuous participation by the parents or others acting on behalf of the child. The bundle includes, among other things, the right to a formal due-process hearing, the right of appeal to state authority, and a further right of appeal to either state or federal

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courts. Both types of rights are unique, in the sense that they have not been accorded by federal law to any other category of student.

The Act does not represent the first instance of federal involvement in the education of handicapped children. In fact, that involvement may properly be said to have begun in 1854 with the establishment of the Kendall School for the Deaf on federally owned land, which later became a part of Gallaudet College and is still a nationally known center for the education of the deaf. Beginning in 1958, the federal government provided grants for the training of teachers of the mentally retarded. A new act in 1963 included teachers of children with all kinds of handicaps, and provided funds for research into various handicapping conditions and for the establishment of demonstration schools and projects.

These and other pre-1970 efforts had certain common characteristics. They were voluntary, in that any state or school district was free not to apply for the funds, and when they chose to apply the conditions to be met were not onerous. Furthermore, the amount of money available was modest, judged either in terms of the needs of the children or the amounts already being spent by states and school districts which continued to be seen as having the chief responsibility for educating handicapped children; the role of the federal government was one of encouraging and assisting, rather than mandating and monitoring.

In contrast, the Act has not only greatly extended the duties of the states and local schools with regard to the education of handicapped children, but is probably the most prescriptive education statute ever passed by Congress. It purports to tell educators where to go and how to get there, and in the sort of detail that is generally found in regulations, not in statutes. The Act, unlike prior legislation, does not just give federal money to states and school districts on the condition that they use the *federal* dollars in specified ways; it makes the receipt of federal funds dependent on the willingness of states and school districts to use *their own money* in ways that are acceptable to Congress. For all of these reasons, the origins, passage, and likely consequences of the Act are of great interest.

The great transformation

The late 1960's witnessed dramatic changes in the way public schools treated exceptional children. The roots of these almost revolutionary changes grew out of a unique confluence of social forces. The original concern, of course, was for the rights of black Ameri-

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cans; but that concern prepared the ground in at least three ways for a cognate concern for the handicapped. It helped to create an atmosphere in which "great expectations" flourished. It furnished an arsenal of legal weapons, derived chiefly from the due process and equal protection clauses of the Fourteenth Amendment. And it spawned a cadre of reformers—lawyers, social workers, and parents —who were prepared, and in fact anxious, to use these weapons on behalf of handicapped children.

When the Supreme Court said in *Brown v. the Board of Education*

> Today education is perhaps the most important function of the state and local governments . . . [and] where states have undertaken to provide it, [it] is a right which must be available to all on equal terms. . .[1]

it did more than end legal segregation in the public schools. It created a tool by which other groups who felt themselves discriminated against might seek redress through the courts. And so, in the 1960's, representatives of exceptional children began to see the equal protection clause as an instrument for the much needed reform of special education.

Public law centers gave the new movement focus and momentum. Several of the centers, especially the ones in Boston and Philadelphia, became deeply involved in litigation on behalf of the handicapped. Without their leadership, progress would have been far less rapid.

That legal activism was particularly necessary for retarded individuals has been demonstrated repeatedly. Studies have shown that Americans have greater apprehension about contact with the retarded than with members of any other group, even those from racial and religious minorities. This apprehension supported the segregation and even the exclusion of retarded children from public schools. It was certainly a major stumbling block to reforms in special education until the Kennedy years. The President's general compassion and specific willingness to discuss his own family's experience with retardation began to alter long-standing attitudes and focussed public attention on the plight of the retarded. Later, Vice-President Humphrey's appearances on national television with his retarded grandchild continued this process.

During these same years reports began to appear in the media of the neglect and abuse of mentally retarded children who were confined to state-run residential facilities. Concerned parents began to organize in an effort to remedy specific situations and improve the quality of treatment generally. One way of protecting against abuses

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was to remove the children from such institutions altogether—an option that was feasible only if local schools could provide appropriate education and training. In addition, researchers began to discover that, when tested more carefully, many children in public school classes for the mildly retarded were, in fact, misclassified and belonged with their "normal" peers. This situation was especially grave since such misclassified children tended to be disproportionately from black and hispanic backgrounds. Here, the proposed remedy was stricter controls over the testing and placement procedures used by school districts.

In addition to lawyers, educators and social workers furnished political muscle and theoretical support. Samuel Beer has described how government policy at all levels has been influenced by professional guilds whose members have more in common with each other than with laymen working at the same level of government. Nowhere is this more evident than in special education. Teachers, psychologists, social workers, and others, organized into the Council for Exceptional Children and other more specialized groups, have had a profound influence, especially in Washington.

Advances in the diagnosis and treatment of various handicapping conditions have made educators and politicians more optimistic about the chances for success and less willing to label even a severely retarded child as "uneducable." Some problems—autism, for example—have not yielded much to the assaults of theory or practice. But behavior modification programs for the retarded, better understanding of the nature (if not the causes) of such disorders as dyslexia and aphasia, the use of captioned films for the deaf, and many other developments have made many hopeful, which in turn has stimulated legal and political activity.

While new knowledge in the field has added impetus to demands for change, the rapid growth of special education had the political appeal of creating new jobs for the very professionals working to promote change. Not only did it expand the role and relative influence of psychologists and researchers, but it came at a time when school enrollments were leveling off (even declining) and the supply of teachers was beginning to outrun the demand. The increasing need for special education suggested a way of taking up the slack by providing employment for some of the thousands of young women and men pouring out of the teacher-training institutions. In short, by 1970 a variety of forces had created a situation in which it was clear that major changes in the education of handicapped children were in the offing.

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The Pennsylvania experience

The late 1960's and early 1970's witnessed a flurry of activity in the states on behalf of handicapped children. In some states—Massachusetts, California, Connecticut, and Illinois—this activity took the form of new and more far-reaching statutes. In others, such as Pennsylvania and the District of Columbia, the impetus for reform came from the courts. But few states were entirely untouched.

It is worthwhile to examine more closely the experiences of Pennsylvania and Massachusetts. Not that these states were typical—far from it. In Pennsylvania, court-sanctioned reform had its most far-reaching success; in Massachusetts, the legislature passed what is clearly the most comprehensive statute. But such an examination will allow us to see some of the forces at work, and to learn from the experiences of these two pioneering states some of the difficulties that lie in the way of a policy of nondiscrimination toward handicapped children.

Prior to 1971 Pennsylvania required all children between the ages of 8 and 17 to attend school, but made an exception for any child judged by a school psychologist to be "unable to profit from further school attendance" or deemed "uneducable or untrainable." Such children were excused—or, more precisely, excluded—from the public schools. In 1971 the Pennsylvania Association for Retarded Children (PARC) filed suit against the Commonwealth, challenging the constitutionality of excluding severely retarded children. PARC argued that the assignment of retarded children to any program without prior notice and the opportunity of a hearing was a denial of due process and, further, that the exclusion of the severely retarded from public education altogether contravened the equal protection clause.

The three-judge federal district court did not have to rule on the merits of the case. After a single day of testimony, in which the plaintiffs presented evidence tending to show that no child is uneducable, the state caved in. The resulting Consent Agreement afforded all retarded children the right to a free public education and required the state to locate and identify all previously excluded children. In order to ensure proper classification and placement, local districts were required to undertake thorough medical and psychological evaluations of excluded children, as well as reevaluations of those already in special classes.

By far the most dramatic safeguard provided by the PARC case was the right to due process. Parents had to have written notice before any change in a child's placement, and the chance to object

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to unfavorable school decisions in due-process hearings presided over by impartial hearing officers. In addition, three administrative mechanisms were put in place to ensure that the Agreement would be faithfully carried out. The court appointed two Masters to oversee state-wide policies. A Right-to-Education Office was established in the state Department of Education which, together with the Masters, was responsible for planning, implementing, and monitoring the changes required by the Agreement. And task forces were organized on the local level to provide a forum for those most directly affected.

The prompt and relatively amicable settlement in the PARC case owed much to a confluence of several factors. They included a newly elected Governor, Milton J. Shapp, who was, by philosophy and temperament, well-disposed toward the claims of the plaintiffs; an Attorney General, J. Shane Craemer, who accurately reflected the Governor's views; and a Department of Education which accepted in principle the justice of the plaintiffs' claims. Lost in the zeal to reach a morally and legally defensible solution were the practical administrative and financial concerns of the state budget secretary and the local districts.

The implementation of the PARC Agreement has received mixed reviews. Most observers gave the state good marks for its attempt to locate previously unserved children. Partly because of the success of this search, and partly because of the identification of many children with marginal disabilities, the total number of children served by special education programs rose from 169,875 in 1972-73 to 240,000 in 1979-80. Financing this increase in services did not, at least in the beginning, appear to cause serious problems. It is true that state and local expenditures for special education rose from $211 million in 1972-73 to $473 million in 1979-80; but about 30 percent of the increase came from state revenues, somewhat easing the additional burden on the local property tax. (In doing this the state was helped by Governor Shapp's decision to devote a substantial part of the state's share of general revenue sharing funds, which became available for the first time in Fiscal Year 1973, to special education.)

At least two studies have shown that the quality of programs has varied widely, ranging from excellent to poor. Several serious problems have arisen, however, which may shed some light on what can be expected under the Act. Some have been corrected by administrative or legislative action; others remain to this day.

One of the few academic studies of the implementation of PARC

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looked at the results of 31 due-process hearings which were appealed to the state Department of Education during the period 1975-77.[2] The study found much to criticize in the Department's resolution of those appeals, noting that they were characterized by doctrinal inconsistencies and serious delays. In the years since 1977 the Department has worked hard, and with some success, to develop a more coherent body of doctrine; but there is some evidence that it is simply not possible to develop legal rules relating to the disposition of these complex issues.

The implementation of the PARC Agreement has been marred by a running dispute between the state, supported by most local officials and some parents, and the Bureau for the Education of the Handicapped (now the Office for Special Education) in Washington, supported by other parents and several advocacy groups. The issue involves the propriety of separate facilities for handicapped children. In the decade preceding the Agreement several school districts and intermediate units in Pennsylvania had constructed separate buildings, often elaborately equipped, for the education of children with certain handicapping conditions. These were hailed at the time as a major step forward. Suddenly they were attacked. Advocacy groups, and some parents, took the position that separate facilities were suspect. In their view, the idea of "mainstreaming" created a presumption in favor of education in a regular school, and the burden was placed on the school to justify the placement of any child in a separate facility. The issue has never been fully resolved.

The PARC Agreement also has spawned a continuing series of lawsuits, most of them involving implementation (or the alleged lack of it) by the Philadelphia School District. Special education is not, however, unique in posing its most difficult problems for Philadelphia. The worst teacher strikes occur there; the principal Title I lawsuits originate there; and a desegregation suit involving Philadelphia is unresolved after a decade in the courts. It is hardly surprising, though perhaps dispiriting, that the implementation of PARC has been least adequate in a district teetering constantly on the edge of bankruptcy.

Finally, the costs associated with the PARC Agreement (and, since 1977, with P.L. 94-142) have posed increasingly serious problems. In part this may stem from the fact that Pennsylvania finances the cost of special education by means of a formula based on "excess cost." This is to say, the local school district must contribute to the cost of a handicapped child's education the average amount it spends on children generally; the cost above this amount comes from the

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state. But state officials are increasingly convinced that this is a bad system, because it contains no incentive on the part of the schools to keep costs down. The Thornburgh Administration planned to introduce legislation in the 1981-82 session requiring local districts to share some part of the excess cost, but opposition from local officials and the lobby for the handicapped has forced the Administration to retreat for the moment.

The Massachusetts experience

The most spectacular state legislative developments took place in Massachusetts. Spurred by a state-wide coalition of advocates marching under the banner of the "Special Class Assistance Council," the legislature sent to Governor Francis Sargent, in June of 1972, a bill that went well beyond anything in existence at the time. It applied to all children with "special needs," not just handicapped children; it mandated an independent evaluation of the child's condition at public expense; it abolished all references to "retarded," "emotionally disturbed," and similar categories; and it prescribed a wide range of services, including many that would normally be thought to fall within the range of responsibility of the medical or social work professions, also at public expense. Significantly, it did *not* provide any new state money to defray the cost of all this.

Chapter 766 (as the Massachusetts Act is called) has now been law for nearly a decade. What have been the results? Most obviously—and advocates for the handicapped would surely say, most importantly—the number of "special needs" children being served has increased rapidly from 68,160 in 1972-73 to 160,599 in 1979-80.[3] It is not possible to make any such categorical statement about the quality of the programs. One can, of course, measure quantity more easily than quality, but it seems reasonable to assume on the basis of fragmentary but fairly widespread evidence that the average level of service has improved considerably in Massachusetts during the past eight years. As a result, the Bureau of Education for the Handicapped (BEH) was able to assure the state, in October of 1978, that it was "99 percent" in compliance with P.L. 94-142 shortly after the federal statute took effect.

What cannot be disputed is the cost, which has far outrun expectations. The legislature estimated those costs at $7 million for the first year. In fact, expenditures in Massachusetts on "special needs" children from state and local sources have risen from $104.7 million in 1973-74 to $310.8 million in 1979-80.[4] Most of the new

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money has had to come from local taxes, especially from the real estate tax.

That was not the original plan. Chapter 766 was drafted so as to require the state to fund the "excess cost" of educating children with special needs. In a technical sense, this is what the legislature has done. But because it did not have the political fortitude to increase the total amount of money available for public education during these years, the legislature simply met its obligation under Chapter 766 by skimming the money needed for special education off the top of the general school subsidy. The effect of this sleight-of-hand has been to force town meetings to fund the rapidly increasing cost of education out of local property taxes, thereby giving Massachussets some of the highest property taxes in the nation. And the consequent unhappiness with high property taxes was a major factor in the passage, in 1980, of "Proposition 2½," a constitutional amendment putting a ceiling on local property tax rates and greatly complicating the task of funding the public schools.

Chapter 766 has also exacerbated relations between the state and local schools. Massachusetts historically had been known as a state devoted to the notion of local control of educational policy. The state Department of Education contented itself until the 1970's with offering a modest level of technical services. Chapter 766 has altered the state role in important ways. Not only has the state reneged, in the eyes of many school and town officials, on its promises of financial support; it has also promulgated regulations which are far too detailed and which fail to take local difficulties into account.

In about 1977 the state began making concessions to these sentiments. The regulations were rewritten, this time with more input from local officials. When the Associate Commissioner for Special Education, a vigorous advocate of the handicapped, resigned in the summer of 1977 he was replaced by the special education director of a suburban Boston school system. There are signs that the state is modifying its view of what is an appropriate monitoring system. But until more of the financial burdens imposed by Chapter 766 are borne by the state, the statute will continue to be a major source of friction between the state and its communities.

Another feature of the experience to date under Chapter 766 is worth noting. Like P.L. 94-142, Chapter 766 allows the parents of any special needs child to contest the appropriateness of the child's placement in a due-process hearing. More than a thousand hearings were requested and held during the first three years.[5] In many cases parents seem to have used due-process procedures for pur-

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poses which run contrary to the dominant philosophy of both Chapter 766 and P.L. 94-142. That philosophy is "mainstreaming"—the notion that handicapped children should be educated in circumstances which are as close to normal as their condition permits. Massachusetts parents have often sought to keep or place their children in more restrictive environments. About 40 percent of the first 1,000 cases, for example, involved attempts by parents to keep or place their children in private schools.[6] So we may be dealing with a genuine conflict between parents who want the best quality education, no matter where it takes place, and advocacy groups committed to an anti-segregation philosophy.

Chapter 766 has had some other interesting and unexpected outcomes. In a thoughtful study Richard A. Weatherly looked at the early implementation of Chapter 766 in three medium-to-large school districts.[7] He found that school officials, who were generally sympathetic to the aims of the statute, made a conscientious effort to carry it out, in many cases working longer hours than they had before. But because the statute required a vast increase in the number of meetings and the amount of paperwork, and because the state provided no new resources, professionals often coped with these requirements in ways that had perverse effects. They informally discouraged parents from seeking evaluations, conducted evaluations by means that were not sensitive to the needs of individual children, and saw children in groups rather than individually. Regular classroom teachers often used the machinery of Chapter 766 for getting rid of disruptive children. Most serious, from Weatherly's point of view, were the effects on equity. Because parents who were wealthy or well-educated tended to live in the more affluent districts (districts that complied more faithfully with the law), and because such parents were better able to articulate their concerns, demand evaluations, and appeal when necessary, the effect of the law was to *increase* the disparity between the special education services available to children at opposite ends of the social ladder. (Boston children, just like Philadelphia children, were probably least well served.)

Weatherly studied only seven schools in three districts, and some of the difficulties he describes may be "start-up" phenomena. But in a fairly pessimistic final chapter Weatherly concludes that we should not expect rapid or radical changes in the way Chapter 766 is being implemented, chiefly because when "street level bureaucrats" have to carry out new duties without new resources, they often resort to stratagems which run counter to the aims of the statute.

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Provisions of the federal act

The situation at the beginning of the 1975-76 session of Congress was fluid. A number of states were revising their own statutes to improve the quality of education available to handicapped children. In some of these states, like Massachusetts, the changes were vast and promised to improve conditions substantially. In others, efforts were more modest—more generous financial support, a broader definition of the children entitled to special treatment, a cautious move away from segregated classes and facilities. And in a few, progress was slight or non-existent.

Meanwhile, another group of states was carrying out court-ordered reforms of their special education systems. In some, like Pennsylvania, the reforms were far-reaching and had at least the ostensible support of the appropriate state officials. In others, the court mandates were less far-reaching, or appeared to encounter a certain amount of foot-dragging on the part of state and local authorities. The outlook, nationally, was for steady if uneven progress over the next several years.

Into this situation Congress in 1975 moved with speed and vigor. It is not necessary to spend much time on the passage of the Act itself. It was a foregone conclusion from the moment the 96th Congress convened. Although Congress had only recently (1972) passed another statute, P.L. 93-380, which went well beyond the laws then in place, it did not tarry to find out what problems might be associated with attempts to guarantee, as a national right, a free public education to all handicapped children. P.L. 93-380 was seen as a stopgap measure, a way of helping the states meet the costs imposed by court decisions pending the writing of a more comprehensive statute.

In order to gauge the effects, both actual and probable, of P.L. 94-142, it will be useful to discuss its principal features, focusing on those provisions which represent a new role for the national government and which impose heavy obligations on the states and the schools.

1. At the core of the Act is a requirement that not later than September 1, 1978 each state receiving federal money afford to every handicapped child within its jurisdiction a free appropriate public education. Every child, however handicapped, is deemed capable of benefitting from access to a publicly supported education.

2. This free appropriate public education must be provided in the least restrictive environment. The law requires the states to give assurances,

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> that, to the maximum extent appropriate, handicapped children . . . are educated with children who are not handicapped . . .[8]

This is the "mainstreaming" about which much has been said and written. Its origins are moral and political as well as scientific. Advocates clearly believed, and Congress apparently agreed, that handicapped children should be segregated as little as possible, probably because they feared (with much justification) that "out of sight" would mean "out of mind."

3. Each handicapped child must be provided with what the statute calls an "individualized education program" (IEP). This is further defined as

> a written statement for each handicapped child . . . which statement shall include (A) a statement of the present levels of education performance of such child, (B) a statement of annual goals, including short-term instructional objectives, (C) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs, (D) the projected date for initiation and anticipated duration of such services, and (E) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved.[9]

This requirement is the principal source of subsequent complaints about the amount of paperwork generated by the Act.

4. The Act mandates elaborate "due process" procedures, making them available to parents, guardians, and "surrogates" who wish to contest the appropriateness of a child's placement. First comes a hearing at the local level before a neutral body, from which an appeal goes to the state. The person hearing the appeal at the state level must make an "independent" decision. Finally, an appeal lies from the states to either a federal district court or a state court of competent jurisdiction, which "shall hear additional evidence at the request of a party" and shall base its decision "on the preponderance of the evidence."

5. The Act obligates state departments of education to monitor compliance both by local school systems and by other state agencies having custody of handicapped children. To some extent this seems likely to reinforce other trends which are slowly altering the historic balance of power between the states and local school systems.

6. Some interesting issues were raised by the very broad way in which Congress defined the services which must be made available to handicapped children. These range from transportation and speech pathology on the one hand to physical and occupational

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therapy on the other. Many of these services, such as physical and occupational therapy, have not historically been available in the public schools and are only marginally related to their mission. To the extent that schools must now provide them, or purchase them elsewhere, they will be venturing into new and expensive areas.

Federal money was supposed to make these mandates palatable. The sponsors of the Act talked grandly about billions of dollars; the hopes of state and local school officials were at least as high. But the promises inherent in the statute itself—even if they had been fulfilled—were decidedly more modest. The funding scheme was relatively simple. Each state was to receive, in any particular year, a percentage of the average state-wide cost of educating all children in the last year for which reliable figures were available, multiplied by the number of children served. The federal percentage was to rise from 5 percent in FY 1978 to 40 percent in FY 1982. But since handicapped children cost on the average nearly twice as much to educate as regular children, and since the appropriations were generally based on cost figures that were at least two years old, the 40 percent figure was purely illusory. At best Washington would have ended up defraying not more than 15 percent of the total cost. And, as we shall soon see, it wound up paying for far less than that.

Handicapped children will benefit

Will the Act prove to be, as its sponsors claim, a "bill of rights" for the handicapped children of America, leading to their absorption into the mainstream of American life after decades of abuse and neglect? Or will it turn out to be, as critics charge, an expensive and largely unworkable monument to the power of the handicapped lobby, saddling school districts with exorbitant costs and cumbersome legal and administrative burdens?

Some consequences for handicapped children are fairly clear:

1. All handicapped children will have access to programs of publicly supported education, ending up either in the public schools or in private programs supported by the taxpayers. No child will henceforth be rejected as "uneducable." This represents an enormous advance in civic sensitivity. Whatever the actual outcomes for handicapped children themselves, we have said to their parents, "The burden of caring for your child is one that ought to be shared by the entire community, not borne by you alone." That, surely, is a great gain.

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2. The number of children involved is not likely to be quite as great as anticipated. This has turned out to be true at all levels. When the PARC decree was signed in Pennsylvania, advocates predicted that it would result in the entry into the public schools of nearly 50,000 previously excluded children. As it turned out, the number was about 7,500, and of these, about 5,000 were known to state authorities but had been languishing in state schools and hospitals. Only about 2,500 were previously unidentified children living in private homes.[10] Federal authorities have consistently overestimated the number of children involved.

3. The quality of programs available to handicapped children is likely to improve substantially. Several forces are at work. One is money—not only money for programs, but money for research and training as well. Another is public attention, which has brought to special education a prestige formerly lacking. And a third is the availability of due process—its very existence has forced school officials to be more careful in the diagnosis and placement of handicapped children. On the other side of the ledger there is some evidence that more time will be spent on paperwork, less time on the actual provision of services.

4. Despite the improved quality of programs generally, there will be wide variations in the extent to which children will benefit. Some will make substantial progress; others will not. The failure to progress will have a variety of causes. In some cases, the child will be found not capable of making any real progress. Despite much recent rhetoric to the contrary, a small number of children probably are not educable in the sense that they will never be able to perform the simplest mental operations. (This is not, however, an argument for failing to provide a decent level of custodial care.) A somewhat larger number of children will fail to make much progress because we do not yet have an adequate understanding of the nature of their handicapping condition. Some children will fail to advance very far, not because their needs cannot be met, but simply because they will not be met. And many others will make genuine progress of a sort that until recently would have seemed incomprehensible.

5. It is a fairly safe bet that when current authorizations expire in 1982 we will not have a very clear idea about what we are getting for what we are spending. It might seem surprising that Congress is willing to authorize the expenditure each year of over a billion dollars in federal money, and to require the expenditure of several billion more in state and local money, without getting any

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comprehensive evidence about the gains being made by handicapped children as a result. In fact it is not so surprising. To those who look on the Act as a civil-rights statute, the question of results is essentially irrelevant; access is what counts. Even if we wanted to measure what is happening, it is not clear we could. There is a bewildering variety of handicapping conditions and an equally bewildering number of ways of dealing with them. Finally, the Office of Special Education may not be very keen about Congress or the general public having access to accurate information about results and costs. If the average taxpayer knew that we were spending $10,000 per-child per-year teaching severely retarded children to put on their own clothes, his continued support for such programs might be in doubt.

6. The hopes of Congress for the employment of handicapped children after they leave school are almost surely doomed to disappointment. This will have much to do with our economy and little to do with our schools. It is hardly surprising that an economy which cannot provide gainful employment for 7 million nonhandicapped adults will have trouble absorbing approximately 275,000 handicapped teenagers each year. Section 504 of the Rehabilitation Act is designed to protect the handicapped as they compete with others for jobs, and it may well do just that; but it cannot increase the total number of jobs available. Only a healthy economy can do that.

The financial costs could be staggering

It is not possible to confine an analysis of the likely impact of the Act to handicapped children themselves. One of the weaknesses of many policy analyses is their failure to come to grips with some of the side-effects—good or bad, intended or unintended—of the policies which they attempt to assess. Especially in the case of a statute like P.L. 94-142, which aims to bring about major changes in the way school people think and act, to ignore these side-effects would be foolish.

Financial costs are important. In 1977 a consortium of state-level organizations estimated that the Act would add 4 billion dollars per year to the cost of public education. That figure is clearly too high. For one thing, the number of children needing to be served is turning out to be somewhat lower than predicted. For another, those organizations probably overlooked the extent to which handicapped children were already being served (however inadequately). The

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increase in state and local expenditures on the education of handicapped children between 1972-73 and 1979-80 is probably around 5 billion dollars, but much of that took place before the effective date of the Act. What is very clear is that Washington is not coming even close to defraying a substantial part of the cost. For the first two years Congress lived up to the promises implicit in the authorizations, but the honeymoon is over. Table I tells the story.

Even these figures exaggerate the dimensions of federal largesse, for two reasons. The first is that they are based on average costs for all children. Since the cost of educating handicapped children is nearly double that for others, these percentages must be reduced by a factor of nearly two in order to arrive at the federal share of total costs. Moreover, the federal contribution is based on average costs in the last year for which there are reliable figures, which until now has been two years before the year in question. Since per-pupil costs have been rising nationwide at about 10 percent per year, a further discount of about 20 percent must be applied. In short, even in FY 1981, when the nominal federal contribution reached a high of 13 percent, the actual federal share of the total current cost of educating handicapped children was on the order of 6 percent. In FY 1982 it will fall to 5 percent. The Act imposes very real (if incalculable) costs and makes a very modest contribution toward meeting them.

The results are not hard to predict. One is a continuing nationwide rise in real property taxes, spawning counter-measures like Proposition 13 in California, Proposition 2½ in Massachusetts, and the defeat of numerous school tax levies in Ohio and other states. Another is cutbacks in programs for non-handicapped children—the arts, foreign languages, and programs in elementary guidance and physical education seem likely candidates—since not all school

TABLE I. *Gap Between Federal Funds Authorized and Appropriated for the Education of the Handicapped Under P.L.94-142, 1978-1982*[1]

Fiscal Year	Estimated Percent of State-Local Costs	Authorization (in billions)	Appropriation (in billions)	Actual Percent of State-Local Costs
1978	5%	$ 254	$254	5%
1979	10	565	565	10
1980	20	1,178	804	12
1981	30	1,982	874	13
1982	40	3,590	874	10

1 Source: Office of Special Education, Dept. of Education, 1981.

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boards can or will raise local taxes to meet the increasing costs of programs for the handicapped. Another quite unanticipated consequence will be growing inequity in the way schools are financed. Since federal money under the Act flows to schools on a per-capita basis, it does nothing to address the gap between wealthy and poor districts, and may, in fact, be disequalizing, inasmuch as programs for the handicapped will generally be more expensive in the poorer urban schools.

Moreover, the Act should continue to inflate school costs. A trickle of cases which threatens to become a flood is now entering the federal courts; and, in general, the decided cases take a very expansive (and expensive) view of state and local obligations under the Act. A case in point is the recent *Armstrong v. Kline*.[11] There the issue was whether Pennsylvania could refuse to provide more than the standard 180 days of school per year to certain seriously handicapped children in the face of evidence tending to show that children with these handicaps regressed more than normal children over the long summer holiday. The answer, at all levels, was "no." In the District Court, Judge Clarence Newcomer discerned in the Act a policy aimed at permitting handicapped children to achieve "self-sufficiency"; this policy, he concluded, was frustrated by Pennsylvania's enforcement of the 180-day limitation. The Third Circuit took a somewhat broader view of the basis for decision; although each of the three participating judges wrote a separate opinion, all agreed that the 180-day rule could not be sustained for certain seriously handicapped children in the face of the imperatives of P.L. 94-142.

The Supreme Court denied certiorari in the *Armstrong* case on June 22, 1981, thus allowing the Third Circuit's decision to stand. The decision is significant on two levels. If the views of the Third Circuit prevail around the country on the central issue in the *Armstrong* case—that all 50 states offer year-round school to certain categories of handicapped children—the added costs may come to $830 million per year.[12]

On another level, the *Armstrong* decision has even more serious cost implications. The central issue, although none of the various judges addressed it squarely, is the meaning of "appropriate" in the Act. In commanding the states to provide a "free appropriate education" to all handicapped children, was Congress simply ordering the schools to open their doors to handicapped children and to devise programs which plausibly address their needs? Or does "appropriate" mean "optimal"—whatever services and programs are

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needed to maximize a particular child's learning capacity? The Third Circuit comes very close to endorsing the latter view—and thus opens the door to demands for a range of programs and services which cannot at this point even be described, let alone assigned a cost figure.

Making schools more litigious and bureaucratic

The passage of the Act also represents a major step in the procedural revolution that has been taking place in the schools. Due-process protections of one sort or another now surround decisions relating to teacher tenure, to student discipline, to the release of student records, to numerous questions related to testing, and now to the diagnosis and placement of handicapped children.

Opinions differ as to whether or not all this is a good thing. The advocates of universal due process stress the importance, in a democratic system, of widespread fairness: "Justice must be done and must be seen to be done." They say that due process has often led to a more accurate diagnosis of a child's handicapping condition. They argue less convincingly that due process also leads to better placements and ultimately to more effective programs.

But fairness is costly. In assessing costs, one has to look not just at the outright legal costs, but at costs in professional and administrative time, energy, and morale. Bad feelings sometimes result from adversary proceedings. A survey of parents of fifty handicapped children who had asked for due-process hearings in Massachusetts disclosed that half of them would not willingly go through such an experience again, even if they knew it would improve conditions for their children.[13] A study of due process for the mentally retarded in Pennsylvania is not only critical of the state's handling of due process appeals, but raises serious questions about the appropriateness of a legal regime in this entire area. Finally, one wonders about the effects of burdening state and federal courts with a new class of "federal cases" at a time when many trial courts, both state and federal, are seriously behind in their work.

These issues cannot be resolved on the basis of the evidence at hand. What we know suggests that the procedural revolution has not yet spent its force. Advocates for the handicapped are currently searching for a legal strategy for forcing states and schools to deal with the problems of the adult handicapped. It would be foolhardy to predict that they will be unsuccessful. The Pennsylvania State Board of Education has extended due-process protections to the

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gifted and talented, and already one hears it said that any child ought to be able to challenge the fairness of any major educational decision affecting him. Where will it end? And with what consequences for public education?

The Act is also another step in what might be called the "bureaucratization" of the schools—the attempt to reduce implicit understandings to explicit undertakings. In one sense educators have only themselves to blame for this development. For several decades the phrase "individualization of instruction" has been part of the litany of educational reform. It has been taken seriously by advocates for handicapped children. It is hard to object in principle to the notion that schools ought to work out individual plans for all handicapped children. But in practice—the practice mandated by the Act—a degree of skepticism is in order. Once again, there are costs. Not minor costs, but major ones.

Weatherly hints at some of these costs. The more time teachers spend writing IEP's, attending staff conferences, and testifying at due-process hearings, the less time they have for working directly with handicapped children. And there is room to doubt whether the "blueprint" model is appropriate to the classroom situation. Blueprints are crucial in the construction of buildings, where an error of even one inch may be fatal; but in teaching, a detailed blueprint may leave too little room for flexibility and the exercise of the teacher's ingenuity and imagination.

There is a more intangible but even more important dimension to the problem of the cost associated with the bureaucratization of the schools. Superintendents and principals are increasingly surrounded by legalistic and bureaucratic restrictions—not just those emanating from the Act, but those spawned by a host of other laws and regulations. The purpose of many of these enactments is to require people in the schools to do the right thing, or at any rate to prevent them from doing the wrong thing. But the danger arises that the cumulative effect of these restrictions is to prevent anyone from exercising any leadership at all. And leadership, especially on the part of principals, is central to the performance of the public schools. A dynamic principal cannot single-handedly create a good school, but a good school is likely to have a dynamic principal at its center. And it is hard to be dynamic if you have to consult regulations, or the school solicitor, on a daily basis. What we may be doing, inadvertently, is creating an environment in which risk-avoidance, rather than risk-taking, is the norm—hardly a formula for curing what's wrong with the public schools.

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Public confidence and the "other" children

It is not possible to end our consideration of the effects of the Act on public education without a brief discussion of its likely impact on public confidence in the schools. Public confidence has diminished over the past decade, whether measured by public opinion polls, the fate of bond issues and tax referenda, or the growth of support for non-public schools. The reasons for this loss of confidence are fairly clear. To some extent schools are suffering from the effects of the general decline in respect for institutions that has affected every segment of American life. But there are other likely causes for the erosion of support: the poor performance of students on standardized tests, parental concern about the lack of discipline in the schools, the side effects of desegregation, and teacher strikes.

The cost of public education has also become the focal point for serious criticism. It is not simply a matter of total costs, although these have risen substantially. Rather, it is a question of these costs measured against two other variables: the number of pupils served and the quality of the education received. Pupil population in the public schools has been declining since it peaked in the school year 1971-72. As a result, per-pupil expenditures have been rising more rapidly than gross expenditures. All the while College Board scores continue to fall. So the public cry has arisen, what are we getting for what we are spending? Why do total expenditures continue to rise when the number of children continues to decline? And if we are spending more per pupil each year, why are the results so unsatisfactory?

Now, there are several answers to these questions. If per-pupil costs are measured in constant dollars, the increases are much less spectacular. Some costs (i.e., the amortization of bond issues) are relatively fixed, and cannot be adjusted to reflect declining enrollments. Schools are increasingly involved in activities—feeding and transportation, for example—which bear only an indirect relationship to the purpose for which they were established in the first place.

But the rapidly expanding cost of educating handicapped children is also an important part of the explanation. The figures for four states which together educate about 13 percent of the public school students in the United States suggest how important (Table II).

These figures indicate that at a time when gross expenditures on schools were increasing by 83 percent, and per-pupil expenditures by 113 percent, special education costs were going up by 160 percent in these four states. Some caveats are in order. These are states

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TABLE II. *State and Local Expenditures for Special Education, 1973 and 1980 (in millions)*[1]

STATE	FISCAL YEAR 1973	FISCAL YEAR 1980	PERCENT INCREASE
Pennsylvania	$211	$ 473	124%
New Jersey	84	250	198
Massachusetts	105[2]	311	196
Maryland	65	170	161
Total	465	1,204	160

1 Source: Figures estimated from various states' publications.
2 FY 1974.

which rank at or above the median on most indices relating to education of the handicapped; thus, their special education expenditures between FY 1973 and FY 1980 may well have been increasing somewhat more rapidly than in the country as a whole. But even taking this point into account it is clear that the cost of educating handicapped children has been rising far more rapidly than the cost of public education generally. In fact, an educated guess would be that it has been, after inflation, the most important factor in school budget increases between 1973 and 1980.

This in itself is no argument against what has been happening. Advocates of the Act would surely say that this is exactly what the Act was intended to do: to remedy decades of neglect by forcing states and schools to increase special education spending at something more than a "normal" rate. But the problem from a *public* point of view is that these substantial increases in expenditures have had little or no impact on the performance of *all* students as it is conventionally measured in College Boards and other standardized tests. Some handicapped children, chiefly those whose handicaps are physical in nature, may now be entering the mainstream of public education as a result of the revolution of the past decade. But for many others, no such outcome is possible. If they become more self-sufficient, and less of a burden to others, that is a major achievement. But it is one that will not alter the judgments which the press and the public are making about the public schools, because it does not affect the ways in which their performance is generally measured.

Reforms that probably won't happen

The authorizations in P.L. 94-142 expire on June 30, 1982. If our analysis is correct, the Act has probably hastened and broadened the extent to which handicapped children are being educated at

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public expense. It has done so, however, at a cost which cannot be measured in money alone, but must also be assessed in terms of legal, bureaucratic, and political dimensions as well. Where do we go—where *should* we go—from here?

President Reagan has recommended that the funding of the Act be absorbed into block grants to the states. Such a solution is certainly consistent with everything the President has been saying about the "new federalism"—his desire to return both power and responsibility to the states. But politically it won't fly. Even in the Senate, where the President's own party is in a majority, the Committee on Human Services has scuttled the idea of including the Act among the programs to be funded from block grants to the states. Outright repeal is even less likely.

At the other extreme, no one anticipates that the present Congress would be willing to extend the Act for another five years at anything like the present level. The outlook for FY 1983 (which, because of forward funding, depends on the FY 1982 budget) is discouraging. And given the predilections of the current President and the current Congress, it is not possible to be optimistic about FY 1984.

This leaves two "middle-of-the-road" solutions. One is to accept the inevitability of a decline in federal support, responding by limiting the burdens which the Act imposes on states and school systems. The other would likewise accept the decline in federal support, leaving the states and the schools to bridge the increasing gap between federal mandates and federal largesse. We prefer the former solution, but we suspect Congress will choose the latter.

How might Congress amend the Act in such a way as to reduce the burdens (and the costs) without abandoning the goal of a more adequate education for handicapped children? Here are some suggestions:

1. There is a serious danger that the courts will define "appropriate" to mean "optimal" or even "ideal." Such a reading is clearly not required by the equal protection clause; in fact, it puts handicapped children in a preferred position since no other class of children has a legal right to an ideal or even an optimal education. One solution might be to define "appropriate" more narrowly and accept any educational plan that is not clearly inappropriate.

2. Congress could eliminate that section of the statute which prescribes the form and content of the IEP. The IEP has contributed greatly to the bureaucratization of the schools. If an analogy to Chapter 766 is valid, it may even have reduced the amount of ser-

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vice available directly to handicapped children, at least in the short run. Perhaps we ought to rely more on the leadership of good principals and the pedagogical skills of good teachers, and less on recipes and blueprints.

3. Since Congress has chosen to fund the Act at such niggardly levels, it seems only reasonable to take this fact into account. One way of doing so would be to stipulate that the mandates of the Act would not take effect until appropriations reached a certain level, say 20 percent of the total current cost of educating handicapped children. A less drastic solution to the same problem would provide that the prohibitions against commingling and supplanting come into force only when appropriations reach the same level.

4. Congress might amend the Act to eliminate the present prejudice against separate facilities or classes for the more severely handicapped. As the Act is currently being interpreted the placement of handicapped children in separate classes or facilities is presumed to violate the law. The burden then falls on the schools to justify such a placement. But there is no overpowering reason for such a bias. Not only are many parents supportive of separate placements, it is far from clear that "mainstreaming" has the kind of support in the research that would justify making it a central feature of the law for *all* classes and categories of handicaps.

5. A solution recommended by the Council of Chief State School Officers, and worth serious study, would make a distinction between severe and less-severe handicaps. The former would continue to be treated as justifying the full panoply of rights and procedures set forth in the Act; the latter would be exempted and treated, instead, as justifying the sort of special attention (and funding) given disadvantaged children under Title I of ESEA.

Other less far-reaching amendments might be considered. Congress could make it clear that independent evaluations are not to be at public expense. It could follow the example of Massachusetts, requiring informal conciliation or mediation before proceeding to a full-fledged due process hearing. Congress could and should clarify the point that the failure to carry out an IEP, or to achieve the results sought by the IEP, does not subject a teacher or administrator to personal liability. It might make sense to limit appeals to either the state or the federal courts (but not both), rather than allowing plaintiffs to shop around for a friendly forum. It might also make sense to require courts to pay more attention to the decisions of hearing officers and state departments of education. Finally, it would be wise to transfer to the National Institute of Edu-

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cation the task of evaluating the results of P.L. 94-142; it is not good public policy to permit OSE to continue to function as both advocate and judge.

What are the chances of any of these suggestions being considered and adopted by Congress? Sad to say, they are slight. And the reason has as much to do with timing as with politics. Under the terms of the Budget Act, Congress had until October 1 to adopt a budget for the new fiscal year. The Joint Budget Committee adopted a resolution requiring the various authorizing committees to trim $36 billion from current programs, and to make appropriate changes in the authorizing legislation, before October 1, 1981. There was simply not enough time, under the circumstances, for Congress to engage in a thoughtful rewriting of the Act, something that even under normal conditions could be expected to occupy the relevant subcommittees for the better part of an entire session.

A more likely outcome is that Congress will gradually cut the funding for the Act while leaving the mandates in place. This will have, for the Congress anyway, the immense advantage of permitting everyone to claim victory. The conservatives will be able to say, with some justice, that they have cut costs; and the liberals will be able to say, with equal justice, that they have preserved the liberal impulses embodied in the Act.

The clear losers will be the states and, especially, the local schools. They will be squeezed even harder between the rock and the hard place. They can raise local taxes to supply the money that will not be forthcoming from Washington, and risk further taxpayer revolts along the lines of Proposition 13 and Proposition 2½. Or they can refuse to raise local taxes, courting lawsuits and a cutoff of federal funds. No matter what they do they are likely to disappoint both advocates for the handicapped, whose expectations have been raised to unrealistic levels by a Congress heedless of consequences, and the larger taxpaying public, which will not understand why costs are still going up while student population and student performance are going down.

NOTES

[1] *Brown v. Board of Education*, 347 U.S. 483, 493 (1954).
[2] Peter Kuriloff, David Kirp, and William Buss, *When Handicapped Children Go To Court: Assessing the Impact of Legal Reform of Special Education in Pennsylvania*. Project No. Neg.-003-0192, Project on Student Classification and the Law (Washington, D.C.: National Institute of Education, 1979).
[3] Division of Special Education, *Briefing Paper on Chapter 766, The State Special Education Law*. Commonwealth of Massachusetts, Dept. of Education, May 1981.
[4] Ibid.

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[5] Massachusetts Education Policy Fellowship Program. *Four Policy Papers on the Implementation of P.L.94-142, the Education of All Handicapped Children Act,* 1979.
[6] Ibid.
[7] Richard A. Weatherly, *Reforming Special Education: Policy Implementation from State to Street Level* (Cambridge, Mass.; The M.I.T. Press, 1979).
[8] 20 U.S.C. 1413(a) (4) (B).
[9] 20 U.S.C. 1401(19).
[10] David Kirp, William Buss, and Peter Kuriloff, "Legal Reform of Special Education: Empirical Studies and Procedural Proposals," *California Law Review* 62 (1974), pp. 60, 63.
[11] *Armstrong v. Kline,* 476 F. Supp. 583 (E.D. Pa., 1979) aff'd sub nom. *Scanlon v. Battle,* 629 F. 2d 269 (3d Cir., 1980) cert. den., No. 80-827, June 22, 1981.
[12] Estimate of the National School Boards Association, contained in their *amicus* brief in *Armstrong v. Kline,* supra.
[13] Massachusetts Education Policy Fellowship Program, pp. 13-14.

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Housing programs and the forgotten taxpayer

EDGAR O. OLSEN

THE onset of a new administration is an appropriate time to review the achievements of existing government programs, especially when this administration has been given a mandate to root out programs that are ineffective or no longer desired by taxpayers. This evaluation of housing programs is conducted from an unusual perspective, namely, the preferences of taxpayers who are neither recipients of housing subsidies nor involved in the provision of housing for these families. Most discussions of housing policy, especially among active participants in the policy-making process, ignore the interests of such taxpayers, even though they bear almost all of the costs of the programs. The traditional explanation is that members of special interest groups have a much larger stake in housing policy than other taxpayers do. Although this is surely true, it seems clear that if any substantial proportion of the electorate understood existing federal housing programs, politicians would find it in their interest to change them radically. As Irving Welfeld has remarked, the more these programs are understood, the less they are admired.

Despite their dominance in the policy-making process, I believe that the preferences of recipients and suppliers have little relevance to the formulation of good housing programs. This heresy requires an explanation.

Recipients prefer a cash grant without any strings attached, rath-

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er than any other type of subsidy having the same cost, and they want the grant to be as large as possible. The second statement is self-evident, and the first is a proposition accepted by virtually every economist and supported by a large body of empirical evidence. For example, it has been estimated that the typical family in public housing would be willing to move out in return for an unrestricted cash grant costing taxpayers only 60 percent of the public housing subsidy. If only the preferences of recipients mattered, cash grants would replace housing programs. Consequently, their preferences provide little guidance in the design of these programs.

The interests of housing suppliers are also irrelevant. Naturally, any group of suppliers would like to see the demand for its product increased. People in the construction industry would be delighted with a program in which the federal government purchased and destroyed all housing put up for sale. (Industry spokesmen would, of course, deny this because such a program is so outrageous that it would attract the notice of the electorate and perhaps direct attention to other programs which do the same thing in more subtle ways and on a smaller scale. Even urban renewal, which involved housing destruction on a less massive scale, attracted sufficient public attention to force its termination.) Unfortunately, it is impossible to provide a net subsidy to every producing sector of the economy. Every additional subsidy must be accompanied by additional taxes, possibly in the form of monetary expansion. After all taxes and subsidies, the demands for some products will be larger and the demands for other products smaller. Since it is impossible to increase the demand for all products, the desire of producers in each sector for government programs to stimulate the demand for their product provides no guidance for government policy.

Taxpayers who are neither participants in HUD's housing programs nor suppliers of housing provide the lion's share of the money for housing subsidies. Since they are the primary purchasers of these programs, their preferences should be, but have not been, decisive in designing them. Of course such taxpayers are not of one mind. Some are unconcerned about the plight of the poor, and their preferences are relevant to the magnitude of assistance to these families but not to its form. Taxpayers who are concerned about needy families have an interest in the design of housing programs, though their interest is rarely sufficient to justify active involvement. Even people who have no special interest in the *housing* of needy families have an interest in housing policy because housing programs typically affect recipients' consumption of other goods and services.

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Taxpayer preferences

What then are the preferences of a typical taxpayer with respect to housing policy? The truth of the matter is that no serious attempt has been made to find out, and attempts to discover these preferences with a few quick questions are not likely to yield satisfactory results because few people have thought much about it. While ordinary politicians are content to act on popular whims, a leader who respects his fellow citizens would want to know what housing policy they would favor if they were to consider the matter carefully. In the absence of credible information about taxpayer preferences, the best that can be done is to offer some conjectures about features of housing programs that would, on reflection, appeal to almost all taxpayers. If these conjectures are at all close to the mark, HUD's major housing programs, with one exception, are seriously deficient.

1. *Housing assistance should be limited to the neediest families.* The natural place to begin a discussion of housing policy is with the question of who should be subsidized. The first thing to realize is that it is not in the interest of taxpayers to provide housing subsidies to everyone. This would be the effect of accepting the recommendations of the Reagan task force on housing headed by Carla Hills. Essentially, this group proposed subsidizing all rental housing. These subsidies combined with the income tax treatment of home ownership would provide housing subsidies to the great majority of the population.

While it is possible to reduce the price of housing relative to other goods for everyone, and in this sense to give everyone a housing subsidy, it is impossible to provide everyone with a *net* subsidy. The taxes to finance the housing subsidies must come from someone. If some people receive subsidies in excess of the additional taxes they pay on account of the program, the opposite must be true for others.

A family that receives a housing subsidy in an amount equal to its additional tax eventually will be induced to occupy better housing and spend less on other goods. Since the net subsidy to this family is zero, its total spending is unchanged. Therefore, the new combination of goods could have been (but was not) chosen prior to the program, which means that the family considers the new mix inferior to the original combination. In short, a family that gets back as much as it pays in taxes is made worse-off. The typical family will do even less well because the average tax payment will exceed the average subsidy due to administrative cost.

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Since it is impossible to make taxpayers better off by giving them housing subsidies financed by a tax of the same magnitude, it seems reasonable to limit housing subsidies to people whom other taxpayers want to help. There is inevitably a divergence of opinion concerning this matter. To some, the neediest families are those with the lowest income, at least among families of the same size, and this concept of need is used in many welfare programs to determine both eligibility and the magnitude of the subsidy. This definition of need clearly does not do justice to all taxpayers' preferences.

For example, consider how taxpayers are likely to feel about the following two people. One is intelligent, well-educated, but lazy. This person could be highly productive but has instead chosen to take an undemanding part-time job paying $2000 per year. The other person has been handicapped from birth, but by virtue of a tremendous effort is able to earn $3000 per year without private charity. There can be little doubt that the overwhelming majority of taxpayers would consider the handicapped person more deserving of help even though his income is higher. Clearly, the willingness of taxpayers to sacrifice their own consumption for others depends upon many characteristics of potential recipients. In practice some characteristics will have to be ignored because they are too difficult to observe, and program operation would be based on a small number of characteristics that are relatively easy to observe.

2. *Families that are generally the same should be offered the same assistance.* Once it has been decided which characteristics of potential recipients are of interest to taxpayers, it is difficult to understand how anyone could argue for different treatment of households that are the same in all these respects. This implies that we should not offer subsidies to some, but not all, similarly-situated families. It is often argued that we are not willing to spend enough to serve all families eligible for housing subsidies. If this argument is correct, it means that we should either make fewer people eligible or reduce the subsidies for which they are eligible.

3. *Among eligible families that are the same in other respects, those with the lowest income should receive the largest subsidy.* After taking account of other relevant differences between families, income is probably the best available measure of productive ability and hence provides the best way of directing the most aid to the neediest people. It is all right to say, for example, that we should provide more assistance to a six-person household with an income of $4000 than to a two-person household with an income of $3000,

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because these two families are not the same in several respects. This preference implies that it is undesirable to deny subsidies to poorer families while providing them to richer families who are otherwise similar.

4. *The subsidy should be zero at the upper income limit for eligibility.* If the subsidy is zero at a lower income, then some eligible families will not participate. If the subsidy is positive for families at the upper-income limit, then subsidized families with incomes below the limit will be able to consume more than some ineligible families. For example, suppose that the upper income limit for eligibility is $4000, that the subsidy is $1000 for a family at this limit, and that the subsidy increases by fifty cents for every dollar decrease in income. In this case, a family that earns $3000 will receive a subsidy of $1500 and thus be able to consume more than a family that earns between $4000 and $4500. Many welfare programs have this feature, and it is greatly resented by many middle-income families.

5. *A housing program should not subsidize housing that is better than the housing typical of families just above the upper income limit for eligibility.* Since the desirability of income limits presumably reflects a judgment that no public purpose is served by changing the consumption patterns of richer families, this preference is simply a corollary of the preceding one. It does not imply that subsidized families should be prevented from occupying such housing but rather that their subsidy should not be greater if they do. If a subsidized family is willing to sacrifice one dollar's worth of nonhousing goods and services to spend an additional dollar on housing, there seems no reason to object.

6. *Housing subsidies should induce the worst-housed families at each income level to occupy better housing than they would choose were they given cash grants.* If we simply want to help low-income families and if we think that they know better than others what is good for themselves, we should give them cash grants with no strings attached. Presumably we have housing subsidies either because we do not think that the heads of these households are acting in the best interests of their families or because better housing for these families confers more tangible benefits on others.

However, it is difficult to argue for *housing* subsidies to all low-income families. There is great variance in the housing of families of the same size and income who are facing the same set of prices. Many low-income families occupy housing which meets the standards that have been used in housing programs. Typically this is achieved by spending a large proportion of income on housing or,

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more precisely, on those attributes of housing covered by the standards. Do we want these families to occupy better housing than they would choose in response to an equally costly unrestricted cash grant? The often-expressed concern about excessive rent burden suggests that we do not. The collective judgment of taxpayers appears to be that these families spend too much of their income on housing. That is, we want to provide them with special incentives to consume more non-housing goods.

7. *The housing occupied by program participants should be produced at the lowest possible cost consistent with its other characteristics.* This is a necessary condition for achieving program outcomes at the smallest possible expense to taxpayers. Most government officials state this goal but few pursue it with any vigor.

It is easy to show that HUD's major housing programs are far from satisfying even these basic taxpayer preferences for equity, effectiveness, and efficiency. It has become fashionable to believe that trade-offs between goals such as these are inevitable, but there *is* one housing program, with which we have had considerable experience and which has been carefully studied, that has all seven desired properties.

A short history of U.S. housing policy

For more than forty years, federal housing policy has been dominated by the construction of new units. It began in the 1930's with the public housing program under which local housing authorities commissioned the building of projects funded primarily by the federal government. Tenants and local governments paid the cost of operating these projects. With the surge in redistributive programs in the 1960's and the weakening of support for public housing, two programs emphasizing the construction of new units were inaugurated. Section 235 of the National Housing Act authorized homeownership subsidies for the richest of the poor; Section 236 authorized rent subsidies for low-income families in privately-owned units. A few years earlier Congress had authorized the Section 23 Housing Assistance Payments Program which was intended to use the existing stock of standard units to house subsidized families. Within a few years the HUD bureaucracy had subverted it: By the early 1970's half of its participants lived in units built for the program.

When scandals and high default rates brought Sections 235 and 236 to the attention of the press, President Nixon ordered a halt to

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additional commitments under all housing programs pending a thorough review of their performance. In response to a negative evaluation of these programs, HUD developed new programs, known collectively as the Section 8 Housing Assistance Payments Program, that were intended eventually to replace all other housing programs. The new programs all involved the leasing of privately-owned housing. Some were newly built for the program, others were substantially rehabilitated as a condition for participation, and still others were existing units meeting program housing standards. The existing component grew most rapidly in the early years. By 1978 there were 580,000 families in Section 8 existing units, 70,000 in Section 8 new units, and 15,000 in Section 8 rehabilitated units. Since then the new and "rehab" components have more than tripled in size while the existing component has stayed about the same. Furthermore, a substantial proportion of the budget of the Section 8 existing program is now used to bail out projects under the older new-construction programs that are on the verge of default. Of the more than three million families receiving housing assistance from HUD, fewer than a fifth are allowed to choose their housing.

HUD administers other small housing programs, and the programs mentioned above typically have several variants and variants within variants. However, research has shown that it is not necessary to know these intricacies to see what needs to be done to make housing policy consistent with taxpayer preferences. The fundamental distinction is between programs involving the construction of new units or the major rehabilitation of units selected by bureaucrats on the one hand, and those involving assistance to families who are free to choose any unit meeting housing standards on the other hand. The effects of programs within each category are basically the same, and the differences between programs in different categories are marked. Since the rehabilitation programs account for such a small share of HUD's budget and have been subject to much less research than the other types of programs, they will be omitted from the rest of this article.

HUD's new construction programs

What has research shown about the extent to which HUD's new construction programs have features that are desired by ineligible taxpayers? These programs do induce a substantial majority of their participants to live in better housing than they would if they were given cash with no strings attached. However, it has not shown that

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these families tended to be the worst housed among those with the same income, and so we do not know whether these programs change consumption patterns in ways consistent with their rationales.

Assistance is not provided to the richest families, but one could question whether ineligible taxpayers want to provide housing subsidies to families with incomes equal to 80 percent of the local average, especially if the locality is a wealthy community such as Westchester County in New York. These are the upper income limits for eligibility for the Section 8 program which has accounted for most additions to the stock of newly-constructed subsidized units in the last few years. As a result of these high income limits, about 40 percent of the population is eligible for this program.

In all other respects HUD's new construction programs are wildly at variance with the assumed preferences of ineligible taxpayers. In their early years these programs provide their participants with much better housing than that typical of families just above the upper income limits of eligibility. The Section 8 new construction program is a perfect example. The average rent paid to owners of the units added to this program in fiscal year 1978 was about $400 per month; the average rent of families with incomes just above the upper limits for eligibility was roughly $200. In other words, about 60 percent of all families are ineligible for this program but few of these families live in units renting for more than the typical program unit. Under a new construction program there are only two ways to eliminate this defect: build units of lower quality or increase the upper income limit for eligibility.

Recipients of Section 8 subsidies pay about 25 percent of their income for housing. This is also typical of ineligible families with incomes near the upper limit. That is, both subsidized and unsubsidized families with incomes near the limit spend about the same amount on other goods and services, but the subsidized families who live in new units get much better housing. Under the Section 8 new construction program, the subsidy to families near the upper income limit certainly exceeds $1000 per year. This grossly violates the assumed taxpayer preference for equity between eligible and ineligible families. The inequity could be removed by either raising rents or building housing of lower quality.

Due to the high per-unit cost of the new construction programs, Congress has never been willing to appropriate enough money to serve all eligible households. It would have been possible to focus the available funds on the neediest, but this has not been done. One study estimated the percentage of eligible families in each income

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and family size class that are assisted by any of HUD's housing programs. It found that this percentage was highest among families with five members and incomes between $4000 and $4999. About 28 percent of these families received housing subsidies. In contrast, only 18 percent of five-person households with incomes between $3000 and $3999 are aided. Even if one believes that ineligible taxpayers have a stronger desire to help five-person households with incomes between $4000 and $4999 than other type of household, the distribution of assistance is indefensible. Almost three-fourths of these households receive no subsidy, even though this could easily be done with the available funds. Studies that consider other characteristics in addition to income and family size reveal the same general pattern. The majority of families of each type receive nothing, while the fortunate minority receive larger subsidies. Housing assistance could be concentrated on the neediest families by either lowering the income limits for eligibility for families of each type or requiring that local housing authorities select these families. In either case the effective income limit is lowered. No estimate has been made of how much the limit would have to be reduced but clearly the required reductions would be substantial.

The failure to concentrate aid on the neediest families under HUD's new construction programs has been defended on the grounds that it is undesirable to concentrate such families in high-density projects. Correctly understood this is an argument against subsidizing the building of projects. Experience with housing allowances and the Section 8 existing program has shown that it is possible to induce large numbers of low-income families to occupy acceptable housing, and owners to upgrade their units to meet reasonable standards, without subsiding new construction or major rehabilitation.

As a new construction program matures, some of the preceding deficiencies become more, and others less, important. Units constructed during the early years deteriorate. As a result, the difference between the average quality of program units and that typical of families at the income limit declines. At the same time, the variance in subsidy among recipients increases because occupants of old poorly-maintained units receive much smaller subsidies than occupants of new units. This is the situation today in public housing. The only ways to prevent unequal treatment of equals in a mature new construction program are to maintain the units as good as new, which is undoubtedly inefficient, or to vary rents with the desirability of the housing, which is difficult.

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Subsidized waste

To this point the deficiencies of HUD's new construction programs can be remedied by changes, albeit massive ones, in their regulations. However, there is one crucial deficiency that cannot be remedied except by termination. These programs are grossly inefficient in that the housing they provide costs far more than equally satisfactory housing in the private market.

Many explanations of this finding have been suggested. Some involve program features that provide incentives for inefficiency. For example, until 1970 the federal government paid the development costs of public housing projects while tenants and local taxpayers paid the operating costs. It is reasonable to believe that local housing authorities are sensitive to costs borne by local residents but insensitive to costs borne by other taxpayers. If so, local authorities would build housing as maintenance-free as possible, even though the extra development cost is much greater than the present value of the savings in maintenance costs. In 1970 the Congress authorized HUD to reimburse housing authorities for the excess of their operating costs over their revenues. This reduced the price of maintenance and rehabilitation faced by housing authorities to zero. Much to the surprise of Congress and HUD, the operating costs of these authorities shot upward. By 1976 federal operating subsidies amounted to about 40 percent of the operating costs of public housing units, even though Congress had placed a cap on federal operating subsidies. Since maintenance and rehabilitation were free to local authorities during the early 1970's, it is reasonable to believe that they did much that was not worth its cost.

The preceding causes of inefficiency could be remedied by a radical redesign of the new-construction programs, namely, recipients could be given cash grants conditional on occupying *newly-built* housing meeting the usual housing standards. This would immediately raise the unanswerable question of why low-income families should be required to live in newly-built housing.

Another explanation of the estimated inefficiency of the new-construction programs involves the state of the housing market at the time that the subsidized units are built. If comparable unsubsidized units are not being built at this time, it is because they cannot compete with existing units. That is, their costs, including a competitive rate of return, cannot be recouped at existing and expected future rent levels. This indicates that the vacancy rate among units of this overall quality is high, and therefore public construction makes no more sense than private construction.

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One explanation of the inefficiency is common to all public production of goods and services. If a businessman finds a way to produce the same output at a lower cost, he gets to keep the difference. If an administrator of a housing program does the same, he does not get to keep the difference. Similar statements can be made about producing a better product at the same cost. The effect of this difference in incentives between private and public providers of housing is obvious.

Although the importance of different explanations for the inefficiency is not known, its existence is now well-documented using data going back to the 1930's. It is not equally well documented for all programs and times, but the consistency across programs is marked. The smallest estimate of inefficiency is 10 percent and the most meticulous study estimated it to be 100 percent. That is, the cost of providing housing under these programs excluding administrative cost exceeds the cost of equally satisfactory housing in the private market by at least 10 percent and probably by much more.

HUD's traditional housing programs are grossly inconsistent with plausible taxpayer preferences concerning equity and efficiency. Even a radical redesign of these programs would undoubtedly leave substantial inefficiency, and if the past is any guide, much political energy would have to be expended to achieve each of the required changes. What then should we do? The answer is remarkably simple. Replace all current programs that subsidize the housing of low-income families with a housing allowance program. Under this program, low-income families would be given a cash grant on the condition that they occupy housing meeting certain standards. The amount of the grant would be greater for families with lower incomes and more members.

This type of program involves the minimum government interference in the lives of recipients and housing suppliers consistent with providing housing subsidies. Removal of the housing standards converts the program into one of unrestricted cash grants often called a negative income tax. It may well be desirable to use the money currently devoted to housing subsidies to expand cash assistance to the needy or to provide relief to taxpayers or both. However, the issues raised here are largely irrelevant to this decision. This article addresses the question of how housing subsidies should be delivered if we are to have them at all.

A housing allowance program avoids the inefficiencies of the new construction programs by subsidizing households and not requiring them to occupy newly-built units. It reduces the inequities of these

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programs substantially by offering equally situated households the same grant under the same conditions and providing a subsidy to all eligible families who wish to participate.

Would it work?

It is only natural to ask why anyone should believe that this program will actually perform any better than its predecessors. There is a good answer. We have had considerable experience with housing allowances; this experience has been the subject of an enormous quantity of research including a comparison with HUD's current programs; and there are other high-quality studies of the current programs.

The Experimental Housing Allowance Program is the largest social experiment (in the true sense of the word) ever undertaken by the federal government. During the 1970's over 30,000 households in twelve different locations across the nation were involved. Over 300 technical reports have been produced. Full scale programs were conducted in two urban areas. Based on evidence from this experiment, we can be confident that housing allowances could have been used to induce participants in HUD's new construction programs to occupy units as satisfactory as their program units at a much lower cost to taxpayers. This could be achieved without forcing them to reduce their spending on other things.

Of course, we would not want to have a housing allowance program that had the same effects as the new construction programs because they are highly inequitable. The housing allowance programs that have been proposed are much more equitable than one that would simply reproduce the effects of HUD's current programs.

The major objections to a housing allowance program have been that it would result in higher rents without leading to better housing and that it would be too costly. Evidence from the experiment is inconsistent with these views. The full-scale housing allowance programs conducted by HUD in two urban areas did not result in perceptibly higher rents for units that were not improved. For units that were upgraded, increases in rents were commensurate with the extent of the improvements. Furthermore, the average subsidy under the housing allowance programs tested at the two sites is far less than that under the new construction programs. In 1978 the annual subsidy was about $900 per household for the housing allowance program and $3800 for the Section 8 new construction program.

One great virtue of a housing allowance program in addition to

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its superior efficiency and equity is the ease with which program outcomes can be changed. If the total cost of a new housing allowance program is unexpectedly large, the size of the grant could be reduced proportionally for all families. Indeed, a program can be designed to have any cost desired. If the extent of housing improvement is not satisfactory, more stringent standards can be used and larger grants offered to prevent dropouts.

For almost fifty years the federal government has pursued a housing policy that is a chamber of horrors from the viewpoint of the preferences of taxpayers who are neither recipients of housing subsidies nor involved in providing housing for these families. Anyone who believes that the preferences of such taxpayers should be decisive in designing housing programs must take one of two positions. Either we should do more and improved studies comparing alternative housing programs in order to confirm or refute beyond reasonable doubt the findings of the past decade, or we should replace HUD's current housing programs with a housing allowance program.

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Improving housing allowances

IRVING WELFELD

OVER the past decade a consensus has been building, both among housing economists and government policy-makers, that housing assistance programs for the poor must be stripped of their production component. Building *new* (i.e., very expensive) housing for the poor makes little political and economic sense in an era in which budgets are not boundless.

Although the Housing Act of 1949 adopted the goal of a decent home and a suitable living environment for every American family, a production program for the poor is not necessary. As I have previously noted, housing production's "prime justification and purpose is the community's need for additional dwellings. The focus of housing *assistance* is the need of some citizens for a subsidy if they are to be able to afford decent housing, old or new; its prime justification and purpose is the community's sense of obligation to provide these citizens with suitable accommodations" ("That 'Housing Problem'—the American vs. the European Experience," *The Public Interest*, Spring 1972).

The $200 million Housing Allowance Experiment was an important step in winning away the minds, if not the hearts, of even the most avid proponents of the production-for-the-poor approach. Nevertheless, $200 million can only buy so much. In the case of the

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allowance experiment, the "so much" did not include a workable design for a program.

Problems with housing allowances

The housing allowance experiment was based on a simple and logical idea: The poor cannot afford decent housing. The government, therefore, should determine both what the poor can afford (a right rent-income ratio) and the cost of decent housing (the right rent). The government should pay the difference and the problem would be solved.

This idea is simple but wrong. There is no such thing as a single "right rent" or a single "right ratio." The idea of a single right rent (based on bedroom size) in a housing market that may contain hundreds of thousands of eligible families and housing units in a diverse landscape of ethically mixed and unmixed neighborhoods is a brash presumption. Even if all the units had exactly the same physical and fiscal characteristics, there would not be a single right rent. In low income areas a key determinant of rent is the "quality" of the occupant. As the HUD official recently in charge of the housing allowance experiment reported in *Housing Investment in the Inner City*:

> One finds a three track pricing policy in which the most desirable long-term tenants receive discounts; average families pay market rents; and high risk tenants pay premiums usually for the least desirable units.

The practical difficulties of determining rent are even worse than the conceptual ones. It is in the interest of all groups in the area, both those interested in doing good and those interested in doing well, to have the government set the highest rent. In fact, in the Section 8 program, local pressure for special exceptions to the "fair market rent" has resulted in rents rising much more quickly than the consumer price index. The actual rents in the program are above the supposed fair-market ceiling.

A right ratio is no easier to find. Sherman Maisel and Louis Winnick, in a 1980 monograph, *Family Housing Expenditures: Elusive Laws and Intrusive Variances,* observe:

> Housing expenditures of American families are far too diverse to be explained by simple principles. Much of this diversity is real, i.e., inherent in consumer behavior. Choice of housing (which necessarily means choice of community and neighborhood) is a response to an extremely complex set of economic, social, and psychological impulses.

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The history of federal programs, in which the right ratio has constantly changed and varied (25 percent was pegged as a *minimum* in one program and as a *maximum* in another), should give anyone pause. The respectability of the right-ratio idea was finally laid to rest by a 1977 HUD-funded report by Terry Lane for ABT Associates (one of the main contractors in the housing allowance experiment), entitled "What Families Spend for Housing—The Origins and Uses of the 'Rules of Thumb'." The last two sentences of the report read:

> It is clear that the rule of thumb does not adequately describe the ratio of shelter expenditures to family income. It is also an inappropriate guideline for practices in lending institutions, rental agencies and federal housing programs.

Moreover, an allowance based on a housing-gap formula is inherently inflationary. It turns an average rent into a floor. The amount the family pays is based not on the rent of the unit but on a percentage of the family income. Thus, if the right rent for a unit is set at $200, the family in an apartment which rents for $150 has no reason to object to a rent increase. The government is footing the bill for the increase. And when the Federal Government surveys average-rent the following year, it finds a new and higher average!

To counteract this tendency, the housing allowance experiment eliminated the earmark for housing and permitted the family in the $150 apartment to pocket the $50. In so doing they created, in the words of George Sternlieb, "an income transfer masquerading as a housing device." To many economists this may seem an ideal solution. Unfortunately, even if participants and 90 percent of the nation's economists favored unfettered cash payment, it is unlikely that such a policy would be instituted in the real world. To name one obstacle, the Department of Housing and Urban Development has an institutional interest, not to say an imperative, in earmarking for housing the funds it distributes. Another basic obstacle is that the revealed preference of the poor is not the touchstone of legislation; Congress has consistently refused to assume that the recipients in a welfare program will spend their money wisely. As a result, in spite of efforts by the last three Administrations, a comprehensive welfare program is still in the future and welfare payments are still not high enough to purchase the necessities of life. Earmarking funds, as in the food stamp program, reflects a respect for the preferences of the donors (taxpayers).

Another basic failing of the housing allowance is that it exacer-

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bates rather than alleviates the problems that currently face HUD. Its interaction with other HUD programs is akin to internecine warfare. Programs with large stocks of older housing or housing in poor locations (two categories in which HUD-financed and HUD-subsidized projects are well represented) cannot compete with a housing-gap program in which the right rent is set above the median of the market (as is the case in the Section 8 Existing Program). A policy that does not differentiate the price of different quality units breeds unfair competition. As a local housing official informed a former Secretary:

> Your Section 8 program is drawing people out of our local housing projects. You are creating an occupancy crisis because your Section 8 Existing Units are better than our public housing projects. Unless you are willing to subsidize us with greater operating subsidies, because our occupancy factor has gone so far down, our local housing projects won't be able to make a go of it.

In many ways HUD has been lucky that its past programs have been small and could, therefore, operate on the basis that "beggars can't be choosers." But if the point of the housing allowance is that "beggars" *can* be choosers, the housing-gap approach is another loser.

Creating a "bounty" program

The poor come in all sizes, shapes, colors, and ages, and have a dizzying variety of housing, neighborhood, and even regional preferences. Federally determined "right rents" and "right ratios" are economic myths. It is time to discard the notion that the "government knows best," that the government knows what housing is adequate or appropriate for a particular family. The one dimensional rental formula used in present programs, a formula which narrows the scope of consumer decision-making, should be replaced by a program that widens the variety of housing options by providing each household with a range of subsidies.

What the government *does* know is that it wants people to obtain decent housing in a suitable environment without having to sacrifice the other necessities of life. (Looked at from the other end of the spectrum, people should be able to obtain the necessities of life without having to sacrifice housing.) It does know that the more rent that is paid, the more likely the unit is to be adequate. The program should, therefore, be structured to provide the greatest inducement for upgrading whenever the family's unaided expenditures are most likely to result in adequate housing. As the

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family moves towards more adequate housing, the "bounty" should be phased down and out.

The subsidy a household receives should be determined by its rent-income ratio. A family unwilling to spend 16 percent of its income on rent should receive no subsidy. The program should then create a strong incentive for the household to spend more than 16 percent by subsidizing a large portion of the incremental rent over the 16 percent level until a rent-income ratio of 21 percent is reached. Between the 21 and 26 percent rent-income ratio levels, the federal government should pay less, but should still cover a substantial portion, and between 26 and 32 percent the federal share should drop again. The government should not share any increase in cost when the rent rises above 32 percent.

In a 'bounty" program the basic subsidy is set for a three- or four-person household, and varies directly with the size of the family. The subsidies at different ratios and the family size variations are shown in Table I. A "bounty" program would enable a four-person household with an income of $7,200 (a figure below the poverty level in 1979) to obtain an apartment with a monthly rental of $180 if it wished to pay 20 percent of its income, with a monthly rental of $243 if it wished to pay 25 percent of its in-

TABLE I. *Possible Subsidies and Variations in a "Bounty" Housing Program.*[1]

RENT-INCOME RATIO	MONTHLY ASSISTANCE PAYMENT
Less Than 16%	$ 0
17	15
18	30
19	45
20	60
21	75
22	85
23	95
24	105
25	115
26	125
27	130
28	135
29	140
30	145
31	150
32	155
More Than 32	155

Family Size:	*Percent of Monthly Assistance*
One to Two Persons	85%
Three to Four Persons	100
Five to Six Persons	115
Seven to Eight Persons	130
Nine to Ten Persons	145

1 Source: Author's calculations.

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come, and with a monthly rental of $325 if it wished to pay 30 percent of its income.

It should be noted that the subsidies set forth in this proposed program may be revised to suit political and economic dictates. The choice of subsidy is a pragmatic one. It must satisfy two conflicting objectives: It must be high enough to give poor households a choice of decent units, and it must be low enough that the expansion of the program to all eligible families is acceptable to taxpayers not directly benefiting from the program.

There are no free rides in this program. If a family prefers improved housing it must prove it by bearing a portion of the additional rent. The government should be generous, but should not encourage extravagance. By providing a declining subsidy and by getting off at 32 percent, the government signals that there is more to life than housing. At the same time, it allows the family to continue spending as it pleases.

Administering the program

The applicant for housing assistance would get in touch with the local administering agency where he would certify his income and his household size. Income would include gross income as defined for income tax purposes, plus transfer payments (for example, public assistance or unemployment compensation) and the value of in-kind benefits (for example, food stamps). As a check on certification, a copy of the recipient's previous year's tax return would have to be filed.[1]

The primary target of the program would be the "poor." The poor would be defined as those households with incomes below the Social Security Administration's poverty thresholds and those with incomes below 50 percent of the median income level (adjusted for size) in the local housing market area. The applicant, if eligible, would be supplied with a rent table appropriate to his income and household size. The table would set forth the "bounty" (refund) for different monthly rents at $1 intervals. The tenant would then shop for housing. When he returned with an executed lease (or certified his rent and address), the federal subsidy would be calculated and the monthly check would be sent to him at that address.

[1] This proposal would be aided by reform in the administration of other federal assistance programs. For example, (1) a social security number could be required of all applicants and (2) a central information record could be kept to permit quick verification of the accuracy of reporting with regard to public welfare programs. Even without these reforms, administrative costs should be relatively low.

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He would be required to report any rent decrease of more than 10 percent and to certify his income every year.

The program is predicated on the use of a single "bounty" table for the entire nation, so that, for example, the household of three persons with an income of $7,200 would receive the same table whether it resided in Boston, Massachusetts or Birmingham, Alabama. This raises the possibility that subsidies too small for Boston would be too large for Birmingham. To test this possibility, a model of the program was applied in each of the 285 metropolitan areas of the nation, assuming that a household with an income equal to 50 percent of the local median rented an apartment at 80 percent of the HUD-determined fair market rent in the locality. In no area was the required rent-income ratio less than 18.1 percent (Eau Claire, Wisconsin) and in no area was it greater than 26.7 percent (Miami, Florida). The overwhelming number of cases (90 percent) were clustered between the rent-income ratios of 18.1 and 22.9 percent and in only eight cases did a household have to pay more than 25 percent of its income. It may be argued that the residents of Eau Claire have an easier time of it than the residents of Miami. In response, the flow of federal money could be directed towards the areas with the highest ratios. The areas of greatest housing need would receive the greatest subsidy.

This formula works at the top of the eligibility scale. Does it work at the bottom? Will its subsidies enable the very, very poor (below 25 percent of the median) to rent decent housing? Among the elderly there is little question that it will. The minimum income for a single person under the Federal Supplemental Security Income program is $3,180 a year. Food stamps would supply an additional $732, for a total income of $3,912. The combination of 30 percent of monthly income and the appropriate subsidy (85 percent of $145) would enable the elderly individual to rent a $220 a month apartment. The welfare program for the non-elderly is less generous. Nevertheless, in no area would the combination of Aid to Families with Dependent Children and food stamps be less than $3,000 for a family of three. By spending 30 percent of their monthly income ($75), they would qualify for a subsidy of $145 and be able to obtain a $220 apartment.

Would this rent a decent apartment? In most areas of the country it is substantially below the "fair market rent" as determined by HUD administrators. Nevertheless, the 1979 Annual Housing Survey reports that the national median rent was only $218. An analysis of the annual housing survey data indicates that, of the units in

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the $150-199 rent range (19 percent of all rental units), 97 percent have a complete bathroom for the exclusive use of the unit resident, and 98 percent have all the plumbing facilities and a complete kitchen for the exclusive use of the household. When asked to rate their level of housing satisfaction, 71 percent of the residents in the $150-199 rent range rated their units as good or excellent. Only 5 percent rated their units as poor. In sum, we are dealing with the conflict and question raised by Bernard Frieden in "Housing Allowances: An Experiment That Worked" in the Spring 1980 issue of *The Public Interest:*

> The program's objectives of bringing everyone into housing of standard quality was out of touch with the preferences and priorities of the families who took part . . . An important question for the next wave of housing programs is: Who should decide how much housing a family ought to consume and where it ought to live, the family or the administrator who sets the standards?

Justice as fairness

Is the "bounty" program fair? Two standards should be applied. The first, an economic standard, is that the most subsidy should go to the lowest income household, all things being equal. Under the "bounty" program if two families with incomes of $5,000 and $10,000 each were renting $225 apartments, the former's subsidy would be twice as large as the latter's ($120 vs. $59). The second standard is a political one—The Avis Principle. The poor should not get better housing than higher-income households unless they try harder. Under the "bounty" program, if the $5,000 and $10,000 households expend the same effort for housing, the $10,000 household obtains the better unit. At a rent-income ratio of 25.5 percent, the $5,000 household can afford a $225 unit, the $10,000 household a $332 unit. The percentage of the rent covered by the subsidy is, nevertheless, much higher for the low-income household (53 percent vs. 36 percent).

The "notch" problem, whereby an extra dollar of income results in the loss of hundreds of dollars of subsidy, can be minimized but cannot be totally eliminated in a program that gives households choice and adheres to the Avis principle. Its solution requires a trade-off between fairness on the one hand, and work incentives and program cost on the other. One solution would provide full eligibility for families with incomes up to 50 percent of the median, a 5 percent "grace" margin, and a phase-out of subsidy through a 10 percent decline for each 5 percent increase in income. Assuming a

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$10,000 cutoff for full eligibility, an income of $10,000, and a rent of $300, the household would receive a subsidy of $104 and have a rent-income ratio of 23.5 percent. At a $12,800 cutoff, the subsidy would decline to $38 and the ratio would rise slightly to 24.6 percent. At $15,300 the subsidy would equal zero and the ratio would return to 23.5 percent. This solution only slightly damages fairness and work incentives at the cost of increasing eligibility. The eligibility limit would still be below the limit of the present Section 8 program, and the evidence of the housing allowance experiment is that a slash in subsidies sharply reduces participation.

Under the "bounty" approach, which would feature uniform subsidies and variable rents, competition with existing HUD programs would be based on the merits of the housing services offered. This would free each program from many of the rules and restrictions that insulate it from the market. As tenants gain mobility, older projects would have to enter the marketplace. Both the public- and private-assisted programs can be restructured to operate under the new arrangements.

What is significant is that the discipline imposed by the government would be largely replaced by the discipline of the marketplace. Price and product would have to appeal to the tenant. Managers of assisted-housing would be free to set rents that reflect reality. The barrier between the subsidized and non-subsidized market would be shattered. If the tenant decided to remain in public housing, the combination of debt-service subsidy and operating subsidy would determine his rent-income ratio and his share of the rent. If the tenant moved into the private market, the distinction between debt-service and operating subsidies would evaporate. Competition for tenants—no longer captives of the subsidy but sovereign consumers—would encourage a self-discipline by public authorities greater than any discipline that could be imposed by reams of circulars and squadrons of inspectors.

In sum, a housing allowance program that strengthens rather than weakens existing programs is possible. Most important, it is possible to have a housing allowance program that respects both the preferences of the poor and the preferences of the electorate.

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Politics and the Federal Reserve

ROBERT J. SHAPIRO

At a time when every public policy, however slight or sweeping, seems to excite passionate yeas and nays, post-war monetary policy inspires nothing but criticism. The exasperation among the nation's leading macroeconomists is palpable: On the left, Robert Solow pronounces modern monetary policy "mindless"; on the right, William Poole insists it "cannot be defended"; and in the center, Martin Feldstein calls the Federal Reserve's record one of general "mismanagement" in behalf of which, Robert Gordon adds, "almost nothing can be said."

Post-war money policy, the professionals concur, has failed on three essential fronts: The nation's money supply has grown too fast overall; it has grown in too volatile a manner from quarter-to-quarter; and this volatility has been procyclical, the money supply tending to expand during booms and contract during downturns. In short, American monetary policy, set by an agency directed and staffed by professional economists with nearly unlimited access to economic data, has failed to conform to the expectations of *any* of the economists' favored alternatives.

While the critics disagree among themselves about the analytic significance of this failure, they do share certain assumptions about it which define a general critical posture. Every critic assumes that

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the policies of the Federal Reserve are fundamentally responses to its perceptions of the movements of economic supply and demand, designed to maximize the well-being of the private economy. It is this view of the Reserve as essentially an *economic* policy body, not the particular criticisms, which is in error.

Political central banking

American thinking about monetary matters has been dominated for so long by the divisions among academic economists, Keynesian versus monetarist, that we do not consider seriously enough the Federal Reserve's character as a political institution—directed by real policy-makers and administrators who live and work every day in a highly-charged political environment. The Reserve's tendency to bend, not to the economic current but to the political wind, is easily evident in its willingness to stimulate the economy before national elections. Less obvious, however, is a central commitment, deeply embedded in the Reserve's organizational guidelines and routines, to accommodate Congress and the executive in any political decisions which affect the nation's financial system.

The real sources of American monetary policy can be traced to certain political and organizational aspects of the decision-making process from which it actually emerges, not to the movements of the economy. Like other political bureaucracies, the Federal Reserve has consistently adopted policy guidelines which minimize conflict among its own leading decision-makers, regularly choosing to maintain its own internal cohesion at considerable cost to that of the economy. Like other prominent political actors, the Reserve applies its policy guidelines in ways that reduce its own political vulnerability, paying greater attention to its political position within the national government than to the dictates of economic reason. And like our other central political institutions, the Federal Reserve's ultimate priority has always been the health, not of the economic system which it affects, but of the political process in which it operates. Accordingly, the Reserve's daily operations show its persistent concern, before all else, for the credit of the national government, the singular element of the political process within the Reserve's general financial jurisdiction.

Political central banking does not preclude some real, if secondary, attention to the private economy, especially in an era in which public and private financial movements are intimately related. In a nation like our own, in which the government's own credit and word

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provide the only official backing for all forms of money, a stable market for federal debt necessarily has become a crucial factor in the health of the entire economy. Moreover, the government's permanent and ever-growing debt is so enormous, exceeding $1 trillion, that the terms of its orderly financing inevitably affect the stability and growth of private credit. Any Reserve policy keyed to stable government credit, therefore, will take into account movements of money and credit in the private sector.

And, of course, Federal Reserve policies have not focused exclusively on upcoming elections and stable public credit. Nor are these policies wholly dissociated from the traditional economic considerations of money management, like rising prices or unemployment. But these considerations do seem to enter actual monetary policy-making less as strict economic elements than as political factors. Despite its rhetoric, the Federal Reserve did not show any serious commitment to tighten the money supply when inflation first became an economic concern in the early 1970's, but only when it became a powerful political issue a half-decade later. Similarly, Reserve spokesmen have long claimed that money supplies should be expanded prospectively to avert greater unemployment before-the-fact, when its economists first project a coming economic downturn. But in practice, America's money managers have consistently followed a pattern of delayed response, typically shifting their policy when increasing joblessness attracts political attention and the economic cycle has already touched bottom.[1] The consequent procyclical shape of monetary policy which confounds economic analysts apparently reflects the Reserve's greater sensitivity to political timing than to the cycles of the economy.

This perspective can make the sources of monetary policy accessible to anyone familiar with the political and organizational factors, however innocent he may be of the mysteries of econometric analysis. But a non-economist still must understand two additional points.

First, how does the Federal Reserve actually affect the money supply? The central instrument of modern money management is "open-market operations," which indirectly enable the nation's private banks to expand or contract the volume of their loans by directly increasing or reducing the bank's reserves. This mechanism

[1] For three decades, this pattern enabled the Reserve, at once, to do its part to avert total economic disaster while tacitly helping to maintain steady interest rates on a continuing basis. The commitment to steady interest rates, moreover, arose directly from the requirements of government financing, not economic stabilization.

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is quite straight-forward. When the Federal Reserve decides to expand money supplies, it begins by directing a regional Reserve Bank to purchase a piece of the federal debt, a government security, on the open market. The Reserve Bank pays for the security by drawing a check on itself, which the previous owner of the security deposits in his bank. His bank presents the check for redemption at its regional Reserve Bank, and the regional Bank redeems the check by crediting it to the private bank's *reserve account* with the Federal Reserve. This credit, then, enables the bank to create new deposit accounts, chiefly by extending new loans (equivalent to nearly ten times the Reserve's original security purchase), according to the prevailing legal reserve requirement ratio. The precise reverse occurs when the Federal Reserve decides to contract money supplies and sells or redeems a government security from its portfolio.

Second, the market for government debt or securities is, at heart, a political arrangement. Unlike the corporate bonds, certificates of deposit, and stock options traded on the nation's private credit markets, the flow of government securities is not determined by movements in economic activity and private demand. The supply of government securities represents simply the outstanding federal debt, ultimately determined by the convergence of national budgetary commitments and tax levels. Consequently, the size and scope of this market, the largest financial market in the nation, arises directly from central political choices taken by Congress and the executive. The essence of political money policy, then, is open-market operations keyed primarily to requirements generated by political decisions, either within the Federal Reserve or in support of the market for government credit.

The record of the Reserve

If American money policy has been essentially political rather than attuned to movements in the private economy, how have economic analysts managed to miss the point? Many economists eager to explain rising prices through the growth in government spending have searched for some correlation between changes in the money supply and in the annual federal deficit, but to no avail. They have fixed their attention not on what the Federal Reserve actually does, the operations of money management *per se,* but on certain indirect economic consequences. In order to understand the record of American money management and its relation to the fed-

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eral debt, we must directly examine the policy operations themselves.

At the Treasury, the debt managers responsible for funding the government's annual deficits *and* refinancing maturing debt from past deficits are determining, first, whether to issue short-term Treasury bills, medium-term Treasury notes or Treasury certificates, or long-term Treasury bonds, and second, what return to offer on each new security issue.[2] Over at the Reserve, the money managers are deciding how many government securities and of what type the System should buy or sell on the open market in order to expand or contract the nation's money supply. By comparing the month-to-month record of Treasury issues in each of the four separate categories of public debt with the month-to-month record of Federal Reserve open-market purchases in these same four categories, we can begin to see how the Reserve's operations have been attuned to support the issue of government debt.

For those with a taste for conclusions but less interest in technical explanations, here are the results: The demands of government funding and refunding, generated by political decisions, unequivocally have set the pattern for American money management. As Table I shows, the Federal Reserve purchased government debt *in the same security class being issued that month by the Treasury* during almost two-thirds of all debt issues from 1950 through 1980. In this way, the Reserve both expanded and targeted the nation's money supplies to maintain "orderly market conditions" for government credit. And when we look at all open-market purchases as well as all Treasury debt issues, as Table II indicates, we discover that the Reserve was about 75 percent more likely to undertake supporting open-market purchases, by buying debt paper in the same security class being currently issued by the Treasury, than to initiate open market purchases *not* supporting a current government funding.

And now, a brief technical excursion. During the 1970's, as Table I notes, the Treasury financed and refinanced the nation's debt by issuing debt securities on 213 separate occasions, and the Federal Reserve purchased blocs of corresponding Treasury debt on the open market during 136 of these 213 funding operations. The Federal Reserve, in short, tacitly supported about 64 percent of all Treasury debt financings in the 1970's. All told, the Reserve conducted

[2] In January 1971, the Federal Reserve altered its bookkeeping notations and began to report open market transactions in terms of Treasury bills and securities with maturities of one-to-five years, of five-to-ten years, and of ten-years or more, instead of Treasury certificates, Treasury notes, and Treasury bonds.

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TABLE I. *Federal Reserve Support for Treasury Debt Operations, 1950-1980 (Months in which the U.S. Treasury Issued and the Federal Reserve Purchased Securities in the Same Class)* [1]

PERIOD	TOTAL TREASURY ISSUES[2]	NUMBER OF TREASURY ISSUES SUPPORTED BY FEDERAL RESERVE[3]	PERCENTAGE
1950-1960	107	55	51.4%
1961-1970	135	90	66.7
1971-1980	213	136	63.8
1950-1980	455	281	61.8

[1] Source: Board of Governors of the Federal Reserve System, *Banking and Monetary Statistics 1941-1970; Federal Reserve Bulletin*, January 1971-January 1980, Table 1.43.
[2] Treasury Issues of $200 million or more per month (1971-1980: issues of $400 or more per month).
[3] Federal Reserve purchases of $50 million or more per month (1971-1980: purchases of $100 million or more per month).

215 separate open-market buying programs (of $100 million or more) in the 1970's, so the 136 support programs also represented almost two-thirds of all money supply operations in the last decade.

During the 1970's the Federal Reserve was equally sensitive to new Treasury issues in each of the four different categories of government debt.[3] But the Reserve's support in the 1950's and 1960's was often unequally focused on certain areas of Treasury financing. For example, the Reserve purchased Treasury bills during almost 70 percent of the 33 major Treasury short-term financings of the 1950's, but resisted bond purchases during the 17 long-term fundings of the decade. In fact, in January 1953 the Federal Reserve Board publicly announced a new policy to restrict all future open market operations to short-term credit paper, the "Bills Only" rule. The Reserve defended the new rule as a means of deflecting Treasury pressures to support future debt fundings, but its portfolio records reveal that the Reserve remained ready to suspend its rules whenever government credit required. The Reserve purchased blocs of Treasury certificates on the open market during 14 of 33 major certificate financings of the 1950's and Treasury notes during 18 of 36 major note fundings, offering targeted money supply support to 46 percent of all medium-term debt issues in this decade. "Bills Only" could more aptly be called "All But Bonds."

[3] The Federal Reserve purchased Treasury bills on the open market during 48 of 78 major Treasury bills financings of the 1970's, or 61.5 percent; debt paper with maturities of between one-and-five years received tacit money supply support during 41 of 62 such financings, or 66.1 percent; the Reserve purchased securities in the five-to-ten year category during 21 of 31 such Treasury offerings, or 67.7 percent; and open-market operations lent tacit support to 26 of 42 Treasury offerings of securities with maturities exceeding ten years, or during 61.9 percent of all long-term government financings of the 1970's.

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TABLE II. *The Likelihood of Federal Reserve Operations Corresponding to Treasury Debt Financing Operations, 1950-1980 (Probability of Open Market Purchases When U.S. Treasury Issues Federal Debt in the Same Security Class)*[1]

PERIOD	PROBABILITY OF OPEN MARKET PURCHASES SUPPORTING TREASURY ISSUES	PROBABILITY OF OPEN MARKET PURCHASES NOT SUPPORTING TREASURY ISSUES	GREATER LIKELIHOOD OF SUPPORTING PURCHASES THAN NON-SUPPORTING PURCHASES
1950-1960	51.4%	30.9%	66.3%
1961-1970	66.7	34.2	95.0
1971-1980	63.8	41.1	55.0
1950-1980	61.8	34.8	77.6

[1] Source: Board of Governors of the Federal Reserve System, *Banking and Monetary Statistics 1941-1970; Federal Reserve Bulletin*, Jan. 1971-Jan. 1980, Table 1.43. These probabilities are derived from the monthly Treasury issues and monthly Federal Reserve open market purchases in the same category.

Chi-square and regression analyses on the relationship between monthly changes in the Federal Reserve's portfolio and monthly changes in outstanding Treasury debt securities also support the author's conclusions and are available from him on request. Threshold values for purchases and issues were used to eliminate "noise" from small technical adjustments of the portfolios.

Once the "Bills Only" rule was formally abandoned in March 1961, tacit Reserve support for new Treasury certificate financings reached nearly 89 percent for the rest of the 1960's, and Reserve purchases of Treasury notes coincided with more than 83 percent of all Treasury note financings. The Reserve also purchased Treasury bills during more than 62 percent of all short-term government debt fundings in this period, while long-term financings, essentially ignored by the money managers during the 1950's, then evoked open market bond purchases during nine of the 19 Treasury bond offerings of the 1960's.[4]

As Table II shows, the apparent relation between Federal Reserve purchases and Treasury financing issues is neither an accident nor a statistical aberration. Even in the 1970's, the Reserve was 55 percent more likely to purchase a security while the Treasury was issuing debt of the same type than to purchase a security while the Treasury was either not issuing any debt paper or issuing securities in a different category.

Moreover, the decline in the 1970's was concentrated in the

[4] For the entire thirty-one year period from 1950 through 1980, the Federal Reserve purchased Treasury bills during 119 of 188 major Treasury bill fundings, or 62.3 percent; certificates or debt paper with maturities of one-to-five years during 63 of 104 such Treasury financings, or 60.6 percent; notes or debt paper with maturities of five-to-ten years during 64 of 97 such Treasury fundings, or 66 percent; and bonds or securities with maturities exceeding ten years during 35 of 78 such long-term Treasury offerings, or 45 percent.

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shorter-term ends of the credit markets. The Reserve remained 70 percent more likely to make open-market purchases in the five-to-ten year range during Treasury financings in this sector throughout the 1970's, and more than 200 percent more likely to purchase long-term securities during fundings of debt maturities of ten years or more. These findings are hardly surprising. On the one hand, pressures on the Reserve to tacitly coordinate their Treasury bill purchases with short-term government fundings eased dramatically in the 1970's as private demand for Treasury bills rose significantly—chiefly from sharply rising investments in the short-term Treasury market from domestic money market funds and foreign OPEC revenues. And at the same time, the Treasury reversed policy in 1974 and began to focus its debt funding operations on longer-term issues, just the area in which Reserve purchases were most likely to correspond to financing issues.

The "independent" Federal Reserve

This record seems remarkable only in light of the hallowed belief in the Federal Reserve's independence, both from the wishes of the political branches generally and from the demands of debt financings in particular. Certainly, the more general claim does not fare well in view of the Reserve's own history. The influence of elections on money-supply growth rates has been noted widely by others. With one exception, the money supply has expanded faster during the two years preceding every presidential election since 1960 than during the two years following. Or consider Arthur Burns's fate when he criticized the direction of Nixon administration economic policy in the spring of 1971: He quickly found himself excluded from the policy discussions concerning the imposition of wage-price controls and the end of the Bretton Woods world money system, decisions vitally affecting Reserve policy and operations.

Throughout the Reserve's history, its formal independence was substantively compromised whenever it tried to resist specific directions from any administration. Three years after the System's creation in 1914, the Reserve Board opposed orders from the Treasury to establish a preferential discount rate for private banks during World War I to encourage the banks to borrow new reserves to purchase the Treasury's war financing issues. The Board relented under threats based on the Overman Act, a special wartime measure which the White House then interpreted as authorizing the President to strip the Reserve of its functions and funds and shift them

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to the Treasury. During the New Deal, President Roosevelt first personally directed the Reserve to purchase up to $1 billion in government securities to bolster Treasury financings in 1933, and one year later ordered the Reserve Board to maintain its securities portfolio at a roughly steady level. In this way, the White House precluded open-market operations in response to changing economic conditions, all in order to make the "constant portfolio" a public symbol of the administration's resolve to maintain its own credit.

Shortly after Roosevelt's landslide 1936 reelection, the Reserve balked at new Treasury orders to support a faltering federal bond market by suspending the "constant portfolio." The President responded with a direct order to stabilize government bond prices immediately, based on provisions of the Banking Act of 1935 empowering the Treasury Secretary to veto the Reserve's internal directives on open-market operations. The Reserve System not only yielded, it also publicly acknowledged a continuing commitment to manage money supplies whenever necessary to "preserve an orderly market." And the Reserve extended this extraordinary commitment the afternoon following Pearl Harbor, when the White House ordered the System to guarantee formally the prices and yields on all government securities set by the Treasury for war finance. The regional Reserve Banks pledged to conduct any open-market operations necessary, regardless of any impact on changing private economic or financial conditions, in order to maintain Treasury bill yields at precisely three-eighths of 1 percent and yields of 2.5 percent for all other government securities.

The Reserve maintained this rigid support policy for nearly six years after the war's end, until the so-called Treasury-Federal Reserve Accord of January 1951 reasserted the central bank's authority to conduct open-market operations as its officers deemed proper, so long as they continued to "maintain an orderly market" for government financing. It is in this context, then, and not in terms of some mythical independence, that post-war money management should be viewed.

Yet the myth of Reserve independence endures. Of course, time and again this myth has proved useful politically as successive Presidents and Congresses have tried to shift public blame for the consequences of their own economic policies—a tactic the Reagan White House has discovered recently. The assumptions of most of the "expert" analyses of monetary policy also tend to perpetuate the myth. After all, it is pointless to analyze the relation between monetary policy and the movements of private economic markets, as most

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economists do, unless you assume that the Reserve is capable of acting in response to these markets—i.e., is independent of politics. Finally, the personal independence of some Reserve Board chairmen is often confused with the substantive independence of the institution they lead. No one can doubt, for example, Arthur Burns's willingness to stand up to direct presidential pressures, even at some cost. But direct confrontations with the chairman are rarely necessary. Most chairmen reach their elevated position after long apprenticeships elsewhere in government, where they usually have learned to accommodate themselves to the political requirements of more powerful officials. And in the end, the law formally subordinates the Reserve's powers to the Treasury and the President, while, as we will now see, the System's own procedural routines and guidelines embody the basic conditions for accommodative money policies.

A day in the life of the money managers

The most striking fact about political money management in postwar America is its bureaucratic character, the sense in which the Reserve's basic accommodation of political considerations has been deeply embedded in its organizational life, often remaining obscure to policy participants as well as outside observers. Like other public bureaucracies that consider themselves vulnerable if they are internally divided, the Federal Reserve has avoided or delayed aggressive policies favored by only one or another of its factions. For thirty years this organizational impulse towards compromise imparted a specific bias towards cautious and mild policy directives, one which served to minimize interest rate movements often regardless of immediate economic conditions.

Consider, for example, a recent study by the Federal Reserve Bank of Philadelphia which tried, without success, to find some statistical correlation between the interest rate movements produced by Reserve policies and any crucial variable for economic stability. No empirical connection could be found between the actual pattern of open-market operations and projected unemployment or inflation rates over the following 12 or 24 months, projected changes in these rates over the same periods, or actual changes in these rates over the previous 12 or 24 months. Far from being "mindless," however, this pattern represented a rational response to the crucial *political* facts of the Reserve's life. For three decades this strategy enabled the nation's money managers to maintain their own orga-

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nization's cohesion, and in a way that eased the specific burdens of government financing. These burdens arose in turn from the cumulative political initiatives of the elected branches. And, as its officers well know from their own history, the Federal Reserve could not long survive in its present form if its money policies clashed with the commitments of the nation's elected representatives.

Money supply policy is set officially by the twelve members of the Federal Open Market Committee—the seven Governors of the Federal Reserve Board, the president of the New York Reserve Bank, and four of the eleven other regional Reserve Bank presidents serving on a rotating basis. This Committee is often described as a caucus of rival economic factions: "hawks" who believe that the nation's economy will almost always expand naturally on its own and who therefore tend to favor contractionary policies; "doves" who usually support more stimulative programs because they view market economies more skeptically; and "moderates" who see both sides (or perhaps neither) and lean towards more neutral policies. The first two positions correspond roughly to the traditional inclinations of the major political parties, as well as to the contending analytic visions advanced by monetarists and Keynesians. But whether the rivalry is fundamentally doctrinal or partisan, organizational compromise is the typical result.

Open Market Committee meetings, as observers often note, are remarkably placid affairs in which the differences in general outlook produce little or no conflict. Before convening every month, each Committee member receives a copy of the "Green Book," the staff's compilation of technical data on "Current Economic and Financial Conditions," and the "Blue Book" containing alternative policy directives for upcoming open-market operations. The Green Book provides an awesome array of statistics and econometric estimates, but without any staff or Committee consensus about the precise significance of the various indicators. Doves, hawks, and moderates alike can find supporting evidence for their positions, and the wealth of technical information actually enables the Committee to reach non-technical decisions. Each member gives his general view in turn, and the presiding officer and chief executive, the Chairman of the Board, usually mediates by summarizing the different positions and selecting a directive which he believes captures an underlying consensus. Until fairly recently, the other Committee members would rarely even vote on the Chairman's choice.

The directive, the most important regular policy statement in American money management, is couched not in the precise terms

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of economic central banking but in the vague language of organizational compromise. Throughout the 1950's and 1960's Committee directives mandated open-market operations to create a "fairly firm" or "somewhat easier" monetary climate over the following month. The technical specificity increased marginally in the 1970's. But even after the procedural changes of October 1979, with their new emphasis on the movements of monetary aggregates, the directives betray the Committee's primary concern for organizational consensus.

The October 1980 directive, for instance, opens with the following summary of the economy: Real GNP "increased somewhat in the third quarter"; inflation "on the average continued to rise rapidly"; the dollar's world value "on balance has risen somewhat"; short-term interest rates "on balance . . . have risen considerably"; and the measures of the money supply "moderated further" or grew "rapidly in September, although not so rapidly as in August." Next the Committee states the goals for money policy in November, pointedly non-controversial ones:

> The Federal Open Market Committee seeks to foster monetary and financial conditions that will help reduce inflation, encourage economic recovery, and contribute to the sustainable pattern of international transactions.

Finally, the directive offers specific targets for future growth in different measures of the money supply. But these targets must satisfy a majority of both hawks and doves. They are inevitably couched, therefore, in terms of broad ranges ("between 6 and 9 percent" and "between 5 and 10 percent") incompatible with strict economic central banking. Without a scientific standard to resolve substantive differences in an "objective" way, then, the Open Market Committee has made apparent consensus a distinct goal of its policy deliberations.

Tacit support for public credit

The actual procedures for administering open-market operations translate the consensual terms of the directive into a tacit commitment to stable government financing. The chief administrative officer in the Federal Reserve and the entire money system, the Account Manager for Open Market Operations, receives the Committee's directive and returns to his Liberty Street office at the New York Reserve Bank where he oversees the administration of all open-market transactions. These transactions account for about one-third of all trading in government securities on the nation's largest

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financial market. The sheer size of the operations is a crucial factor in the Account Manager's procedures, for despite its enormous market presence, the Reserve is committed to minimizing the impact of its operations on the prices and yields for any particular government security. To do so, the Account Manager must schedule large open-market purchases (i.e., large expansions in the nation's money supply) for times when the available supplies of some security are unusually large. Conversely, major open market sales must correspond to abnormally low market supplies.

As the Vice President for open-market operations put it, "The availability of securities permits us to buy them," or in his predecessor's words, "We buy where the supply is." New York Reserve officials characterize this strategy as a "hands-off" approach designed to permit the credit markets to determine their own course. In practice, the procedure creates an automatic tendency to expand money supplies during every major Treasury financing, precisely when the availability of government securities in one of the four categories suddenly increases. Here, then, is the administrative justification for tacit money supply support for public credit.

The Federal Reserve also has long held that successful open-market operations require a "broad, deep, and resilient" market for government debt, one organized around a network of large, financially-impregnable private dealers able to absorb the Reserve's huge transactions. Every hour of every working day, the Account Manager telephones the thirty or so largest private dealers in Treasury securities to gauge money market conditions. Now as it happens, the Account Manager and his staff are also responsible for administering the distribution of all new issues of Treasury debt to the market—primarily through these same large dealers, who purchase blocs of new securities to resell to private customers. In order to protect the dealers' financial impregnability for the System's open market operations, the Reserve also effectively guarantees them financing when they submit bids to buy new Treasury debt, as well as relatively stable security prices immediately following the issues. These guarantees, based on the procedural requirements for orderly open-market operations, reinforce the practical alliance of the nation's monetary and debt operations: The first commitment usually means expanding money supplies (i.e., open-market purchases) during major new issues, and the second requires relatively stable interest rates after each issue.

Throughout the 1970's, the directives included both *narrow* interest rate targets and *broad* money supply ranges. The Account

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Manager, then, used short-term open-market operations to permit the shortest-term interest rate in the economy, the "federal funds" rate for overnight loans between banks, to move no more than about one-half percentage point from its monthly target—and then only when the nation's money supply was growing faster than predicted within its wide target range of between 5 and 6 percentage points. It was quickly apparent that this approach had precious little to recommend it in strict economic terms. By pegging the federal funds rate and allowing only limited change in interest rates when money supplies grew too fast, the Open Market Committee helped create a monetary climate that confounded the economists' paradigms: Procyclical money growth exacerbating the business cycle, and at rates consistently off-target.

But the attractions of this gradualist approach were primarily political and bureaucratic, and not simply or strictly economic. By focusing on steady interest rates rather than money supplies, the Open Market Committee had found an object it could accurately observe, a goal it could readily attain, and an internal standard for judging the performance of the Account Manager. Gradualism also offered a crucial organizational strategy for maintaining consensus in a body riven by doctrinal or partisan divisions and for minimizing the Committee's political exposure when policy did shift, as well as ensuring the most stable financial conditions for regular issues of Treasury debt. This incrementalist stance enhanced the Reserve's internal and external political position while still attending sufficiently, if belatedly, to major movements in the economy which might produce disaster.[5]

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[5] A few words on the Reserve's new guidelines announced in October 1979, emphasizing money supplies. While it is premature to evaluate its full significance, the change clearly did not represent a seismic shift to central banking based on economic principles. As many skeptics predicted, the new procedures did not enable the Reserve to control the movements of the monetary aggregates with any great precision, and in the first year both quarterly money growth rates and weekly interest rates have fluctuated more violently than during any previous period in modern history. Whatever the initial rhetoric, therefore, the Reserve Board's staff director acknowledged recently that open market procedures were reincorporating greater attention to stable interest rates.

The 1979 decision also appears to have been more closely tied to organizational politics than to any strict considerations of economic policy. Inside the Federal Reserve, the policy shift is most often justified not in terms of economic theory, but of the System's drive to reestablish its credibility by producing at least the appearance of change, following its failure to dampen inflation. "Something had to be done, if not this then something else," one high officer of the New York Reserve Bank has said; and a very high official on the Reserve Board remarked in the same vein, "We were looking for something to change, especially the appearance of our actions always lagging." Arthur Burns concurs: "Volcker had to do something, that was the main thing . . . pressure to do something that looked like change was great." And the monetary volatility

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When pressed, the Reserve could justify these procedures by invoking the System's long-standing commitment to maintain "orderly conditions" on the nation's money markets. Now, the money markets include not just Treasury securities but all negotiable transactions in private credit, such as corporate paper or bank credit, and the Account Manager has been ready to ease credit when a major private failure such as Penn Central or Franklin National threatened the stability of these private markets. But we cannot be surprised that the market for the government's own debt should form the real center of this general commitment, since it grew out of political concerns about financing the New Deal and World War II. Of course, certain economic considerations also have helped reinforce the central place of government credit in this general commitment. The key role government securities play in investment portfolio decisions by the nation's largest private money managers, as well as the sheer size of some 20 to 30 annual Treasury financings, make conditions on all private markets sensitive to the government's own debt financings. And once again, the simple fact that every Treasury debt funding involves the government's own word and credit, which in turn provide the only official backing for the entire American money system, tends to enhance its significance for all money markets.

Private resources for public purposes

Could it be otherwise? Could the United States recover an "economic" money system in which money supplies and values would respond automatically to the movements of the economy, genuinely independent of and insulated from governmental control or influence? Probably not. The political character of American money management, deeply embedded today in the organizational routines of the Federal Reserve, is not a recent corruption spawned by "big government." Rather, it seems to reflect fundamental tensions in American public life between the claims of private property, political authority, and popular consent.

These claims converge in what may be called the "free rider" problem of a liberal republic, which has precipitated increasing political authority over the money system throughout this nation's

which followed, while destabilizing in economic terms, probably helped promote an organizational consensus for the change on the Open Market Committee. As Burns noted, "the hawks saw an opportunity to get interest rates up and money supplies down, and the doves were anticipating a recession and felt that with the new emphasis, money supplies would rise quickly when it came."

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entire development. The problem can be stated this way: Every regime, however it may be constituted or organized, must find some way to obtain the resources for its policies. But how can a limited government of accountable representatives induce its citizens to allow their private resources to be used for the costly public projects necessary to maintain the nation's security, tranquility, and cohesion?

Legal coercion—"great projects call for great taxes"—is an obvious but inadequate strategy. Throughout most of America's history, the federal government's formal authority to tax was strictly limited. And at all times, the practical political power to tax is limited by republican guarantees of frequent elections, especially when the project is a war already extracting substantial sacrifices from the public. Another conceivable strategy, voluntary contributions solicited by patriotic appeals, has invariably proved inadequate. The philanthropic impulse never has been extended to government, even when the danger is as extreme and obvious as during the final year of the Confederacy.

Political authority over the money system has been this nation's recurring response to this problem. In times of war when popular enthusiasm might be dampened, if not extinguished, by the taxes necessary to pursue the official policy, this authority has enabled the government to create or borrow the necessary resources, directly or indirectly, through banking regulation or a central reserve. In this way the costs, at least as the general public perceives them, can be deferred to a future which can neither vote nor otherwise resist in the present. In times of peace, the government has adapted the same mechanisms to help fund additional defense or social commitments and to help maintain the credit and money markets necessary to refinance the accumulated debt.

The most remarkable feature of this strategy is its endurance. The most profound generative force throughout the entire development of the American money system has not been private demand for credit, to finance industrialization or whatever, but the demand for public credit to finance war, the ultimate political event. The emergence of native American colonial currencies in the late-seventeenth and eighteenth centuries, for example, was precipitated not by shortages of specie for economic exchange (although their emergence did relieve this shortage), but by specific funding pressures to support the military campaigns against the French and the Indian nations. And the United States adopted its first national currency, not to stimulate national economic development but to finance na-

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tional political sovereignty—the Revolutionary War. Similarly, the nation's first great monetary institution, the first Bank of the United States, was created to reestablish the government's credit by bringing order to the chaos of revolutionary war finance.

Throughout the nineteenth century, every significant change in the structure of the nation's money system followed, not from the patterns of economic development, but from the public financing requirements for military security or domestic rebellion or from the establishment of new national party coalitions. For example, the first major expansion of private banking and credit followed from the next great government funding, the one to fight the War of 1812. The subsequent creation of the second Bank of the United States in 1816 and its regulation of private banking operations arose to reorder the chaotic results of this war financing. Similarly, the next great increase in economic banking and credit followed the destruction of the second Bank, precipitated not by the economy's yearning for laissez-faire industrialization (although the Bank's destruction did promote this development) but by the political principles of a new national party coalition, the Jacksonian Democrats. American money supplies next expanded greatly during the financing operations for the Civil War, the funding of which also precipitated the legal reorganization and comprehensive federal regulation of the entire private banking system. The Union also substituted government fiat or government gold for economic gold-redemption and gold-reserves as the official basis for the value of American currency, and the resumption of gold payments two decades later was the means for mobilizing the next national partisan coalition, the post-bellum GOP.

In this century, one crucial development was largely uninfluenced by political events and developments: the initial establishment of the Federal Reserve System to loan new money supplies to private banks during panics. But the Reserve's character as a central bank was formed by the funding pressures of World War I, not by the dynamics of the economy. And from this point, the Reserve's powers and operations were gradually dissociated from any automatic connections with the movements of private markets and refocused on the movements of government credit. The crucial event here was the collapse of the System's credibility as an economic policy organization in the banking crisis of 1930-1933, when a struggle for organizational authority within the Reserve between the central Board and regional Reserve Bank stalemated policy. As a result, the collateral required for loans by the Reserve to private banks

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was shifted by Congress from commercial or agricultural paper to government securities, and the executive politicized the parameters for open-market operations.

Political money management in the post-war years is distinctive only in degree. The two fundamental political decisions of our time, to routinize the nation's wartime commitment to defense spending and its depression-era commitment to social welfare, created an unprecedented normalization of deficit spending throughout years of general peace and prosperity. Building on the government's enormous permanent war debt, these decisions made political money management a routine function of modern government. From this perspective, then, political authority over the American money system has helped create the political space within which the national leadership, legislative and executive, has been able to pursue its own understanding of the nation's interest abroad and of the nation's collective responsibilities at home. In this sense, political authority over the money system, implicit or explicit, has been a necessary condition for American power in the world and social tolerance at home.

Monetary reform and political responsibility

Any hopes of attuning money policy to the independent movements of the economy face difficulties of a fundamental and not just technical nature. The Federal Reserve's complex political character, moreover, forecloses most current economic proposals for monetary reform. Proposals to return to an international or domestic gold standard, revamp the Reserve Board, or legislate fixed money growth rates all assume that the Reserve can be forced to obey some model of the economic process. But these models generally ignore or deny the basic organizational and political forces influencing current monetary policy, forces that have undercut similar reforms in the past.

These proposals should be considered in light of the political character of monetary policy. An international gold standard, for example, is essentially an agreement among governments to limit world money supplies to some ratio of the world's total gold holdings, and to limit each nation's new money creation by the value of gold newly produced or received through its balance of payments surplus. Like most monetary arrangements, a world gold standard is a political arrangement that depends on certain specific political conditions, not a natural economic phenomenon. Since each gov-

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ernment agrees to let economic production and trade determine its money supplies, the system can survive only so long as no member faces demands for greatly increased credit arising from political rather than economic events. In short, the gold standard assumes international peace and limited domestic responsibilities for its member governments—the prevailing political conditions of the late-nineteenth century. The old gold system, therefore, collapsed before the public financing pressures for world war in 1914 and for social intervention in the 1930's, pressures normalized in modern America through major permanent defense and social commitments. At the height of the last gold system, the United States still retained substantial monetary discretion by leading the world in new gold production. Now the Soviet Union and South Africa enjoy this position and, with it, indirect influence over American money supplies under any world gold arrangements.

A domestic gold standard, one which limited the Federal Reserve's ability to create reserves for new money supplies according to some ratio of the government's real gold holdings, would not so directly implicate any foreign government in American money policy. But past experience indicates the grave difficulties such a system must face when enforcing economic money policies. During the last century, some state governments legislated gold redemption guarantees for paper money to enforce the domestic standard, but Washington was always ready to suspend them if national policy required greater money supplies than existing gold holdings could support, as during the War of 1812, the Civil War, and the reconstruction period. In this century, Congress simply used legislative fiat to reduce the ratio of gold required for the Federal Reserve to create new credit, first during World War I and again during World War II. And the drain on the Reserve's gold from balance of payments deficits and the domestic and wartime fundings of the 1960's finally forced Congress to eliminate the last vestigial gold requirements in 1966 and 1968. And most recently, worldwide commodity speculation has denied gold the unique price stability which once recommended it as a monetary standard.

Any effort to replace current members of the Federal Reserve Board with persons of more "independent" character also would misconstrue the monetary policy problem. A commitment to change the membership of the Reserve Board will not change the organizational and political relationships which help maintain the Reserve's institutional integrity and which reflect powerful and enduring dynamics in American political life. The personalities of top

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Reserve officials have had little perceptible effect on the relative independence of monetary policy. And, when choosing among otherwise competent candidates, what chief executive would appoint an official recommended as well, not for his political compatability but for a singular ability to withstand the political pressures which are every President's stock-in-trade? Alternatively, some economists have urged Congress to abolish the Open Market Committee and the Reserve Board, ceding monetary policy to a single official. This plan might well blunt the Reserve's internal tendencies towards consensual policies. But modern political money management is embedded in the procedures for executing open market operations as well as for determining their scope, while the prominence of a single decision-maker inevitably would heighten demands for more direct political accountability.

Milton Friedman's proposal for fixed money growth-rates would certainly simplify the Reserve's decision-making, a feature highly valued by the Open Market Committee in its drive to maintain consensus. The simplicity of Friedman's plan, however, has become a source of current controversy, rather than potential consensus, as the favored prescription of a group which represents itself as an exclusive faction within the economic profession. At the same time, Friedman himself has managed to further politicize his proposal by identifying it with his own theories of the good regime. And whatever charms monetarist theory may hold, most analysts consider fixed money growth-rates peculiarly unsuitable for any economy, like our own in recent times, subject to unanticipated "supply shocks" such as OPEC price hikes or crop failures.

The fixed-rate scheme is also at war with the organizational politics so central to modern money management, a conflict the theorists can hardly hope to win. It asks the Reserve to strip itself of its discretionary authority over money supplies in order to preclude money supply support for public credit, the mission which preserves the Reserve's political coexistence with the elected branches. Political backing for this plan, then, probably could arise only in the midst of some horrendous collapse of the American money system. Under less drastic constraints, no public agency would perform a lobotomy on its own authority, nor would Congress and the executive willingly abolish mechanisms that help maintain their own political discretion.

One proposal for reform does take account of the political character of money management, at least in an inadvertent way. Recent efforts to mobilize a new political coalition around a conservative

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critique of social conditions have inspired proposals to mandate a balanced budget. Even though this fiscal reform is typically defended as a way to establish a new equilibrium between the public and private sectors (not as a plan for economic central banking), it could significantly affect the context and patterns of monetary policy-making. A succession of balanced budgets would relax the political constraints on money policy to some real degree—although the proposal does not address the burden of refinancing an existing government debt that stands at more than $1 trillion.

The political obstacles, however, remain profound. The most obvious difficulty is the fundamental shape of post-war American politics, in which unanticipated developments often create public demands for major new expenditures or reduced taxes. Some advocates try to balance these costs with confident promises that balanced budgets will cure inflation, but the economic evidence and theories for this position remain, at best, slim and highly problematic. In the end, the prospects for such radical reform depend not on economic arguments about central banking but on the political fortunes of the fledging coalition and its commitment to deny itself a political prerogative that has served conservative and liberal politicians alike.

Is the United States prepared to establish a genuine "economic" money system which by design could not directly promote or respond to the political requirements of American military security, domestic tranquility, and social cohesion? In the conflict over chartering the first Bank of the United States almost two centuries ago, Alexander Hamilton and Thomas Jefferson both warned that the arrangement of any nation's money system could not be divorced from the character of its politics. A money system that corresponded to orthodox economic principles, it seems, would require an isolationist and radically decentralized and limited government, as well as a society much more highly disciplined by corporate and other private authorities than America is today. The real issues in monetary policy inevitably resolve themselves into the fundamental questions of politics, the only arena from which basic change can emerge.

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Summer Learning and School Achievement

JAMES COLEMAN

It was in the 1960's, a time when everything began to be problematic, that what had once been assumed true about schools began to be questioned. It had been assumed that schools were effective and that we knew what made schools more effective: better facilities, teachers with more training, more experienced teachers, newer textbooks, better libraries, and other things that could be bought with more money per student. But then, in the 1960's, these verities began to be doubted. Social science had begun to have the statistical capability to compare school outputs with these "inputs," and several studies showed that we knew less than we thought we did. The assumed qualities of a "good" school showed little or no relation to achievement when students of similar background were compared. In contrast, these same studies showed that measurable differences in students' backgrounds—such as students' socioeconomic level and parents' interest in their children's education—were strongly related to achievement.

Suddenly, what had been assumed now had to be proved: that these qualities actually did increase achievement of children in schools. And if they did not, perhaps schooling itself as it had evolved in the United States was ineffective in children's learning of basic cognitive skills, and all differences in observed performance (say, on standardized tests of basic skills given in schools or on SAT tests) were due to differences in the social backgrounds that affected children out of school—the differences that they brought with them when they entered school and the differences they experienced in the home at the end of each school day. The studies of the 1960's, while they showed only the inefficiency of the assumed "good" qualities of schools, placed the burden of proof on those who held that schooling itself has an effect on these basic skills.

As it turns out, the effect of schooling itself is much less easy to test than the effect of certain attributes of schools. Schooling is universal in the United States, and, as a result, the straightforward comparison of students who go to school with those who do not (but whose backgrounds are comparable) is precluded. A few studies took the next most straightforward path: comparing students exposed to differing amounts of schooling. But these variations in

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exposure to school are not especially large and are correlated with differences in background; perhaps because of this, the results of these studies have been inconsistent and disputed. In the meantime, some glimpses of the effects of schooling began to come through the statistical studies. Most interesting was the fact, found by Eric Hanushek, that although research could not find what attributes of teachers made a difference in their students' learning (beyond the teacher's verbal skills, which had consistently shown some effect ever since the publication of *Equality of Educational Opportunity*), there were marked differences in achievement growth of students who had different teachers.

THE title of Barbara Heyns's book, *Summer Learning and the Effects of Schooling*,[1] suggests what the next step was: to look at the learning which occurs during the winter, when school is in session, and that which occurs during the summer, while school is not in session. In this way, the summer provides what has been missing before: a statistical control of "no school" which can provide a measurement base for the effect of schooling. This idea did not emerge all at once. The ingenious device of comparing school-year changes with summer changes was first exploited in a never-published paper by Donald Hayes and Judith Grether which showed that most of the achievement losses of blacks relative to whites over the years in school could be accounted for by differences in cognitive growth over the summer periods. This device suggested a powerful new methodological tool for answering the question of the effects of schooling. Though Hayes's and Grether's work was suggestive, it was only that, because it was based on aggregate data at the school level and a piecing together of cohorts rather than fully longitudinal data. Subsequent studies by Jane David and Richard Murnane were consistent with Hayes and Grether, and Barbara Heyns has carried the potential of this strategy to its logical conclusion: the use of summertime as a control for what is learned during school in the winter, thus allowing an estimate of the effects of schooling.

Using students in Atlanta schools, Heyns's research is based on test scores for two cohorts: at the beginning and end of grade five and again at the beginning of grade six for one, and at the beginning and end of grade five and the beginning and end of grade six for the other. Thus, she compares the learning that takes place during grade five, over the summer between grades five and six, and during grade six.

Heyns's analysis shows that, as everyone had believed before it began to be doubted in the 1960's, schooling does have an effect. Children learn less during the summer, when school is out of session, than they do during an equivalent time in the winter, when school is in session. But this is only part of the story. Some children

[1] Barbara Heyns, *Summer Learning and the Effects of Schooling* (New York: Academic Press, 1978).

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learn about as much each month that school is out of session as they do each month that school is in session. These are, in general, children from higher socioeconomic backgrounds. Those from lower socioeconomic backgrounds learn less when school is out of session than when it's in session, or even regress. The lower the socioeconomic level, the less the summer learning or the greater the loss during summer.

Heyns found that when school is in session, the differences in rates of learning between socioeconomic levels and races are relatively small; it is when school is out that these differences grow. What this means, if Heyns is correct, is that school exercises an egalitarian influence in learning—not to bring different economic and racial groups together in achievement over the years in school, but to keep them from diverging as widely as they would in the absence of schooling.

Unfortunately, Heyns uses a test of "word knowledge" in her analysis; verbal skills, it appears from several studies, are less affected by schooling relative to the out-of-school effects than are most other cognitive skills. This suggests that the effect of schooling that Heyns shows is less than the effect she would have found with other tests, and that the differential effects of family backgrounds outside school are greater than she would have found with other tests. The consequence of this for her results is that the basic effect of schooling, relative to that of family background, is probably greater than she found with word knowledge, while the equalizing effect of schooling is probably less than she found because there is less inequality generated by family background in other skills.

THE two major results of Heyns (the second of which corroborates that found since Hayes and Grether) are: First, that schooling *is* important, and, second, that its importance is considerably greater for the disadvantaged than for the advantaged. In the absence of schooling, she finds that children from advantaged backgrounds would learn nearly as much in the environment their parents shape for them, and in some cases will learn more. (The two highest SAT scores I have ever heard of belong to two men who never attended school before entering college.) But children from disadvantaged backgrounds would learn less in the environment they found themselves in by default. Heyns examines these environments by studying summertime activities, and shows, in an interesting but less conclusive part of the book, what the summer activities are and something about the way they operate to differentially affect the learning of children subject to different activities. But the central results of the book are to show the effects of schooling and the differential importance of schooling for children from different socioeconomic backgrounds.

There are two methodological problems, not of Heyns's making but nonetheless troublesome, that plague the analysis. One is the measurement of achievement and the kinds of transformations that are imposed on raw test scores to give "standard scores" or "grade

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equivalents." These transformations, which were relatively innocuous when such tests were used only for classifying students (and not for studying the effects of different educational settings), have now become an intellectual embarrassment because, as Heyns points out, they lead to different answers to the same questions. There are techniques just coming into use (pioneered by a Danish statistician, George Rasch) that promise to remedy this, but in the meantime work on questions of utmost importance in education, such as that of Heyns, is impeded by the existing deficiencies of the discipline.

The second methodological problem is this: The tests were administered by the teachers who taught these children. In the fall, a teacher has no incentive to make the children look good on the tests. In the spring, there is such an incentive, and one can expect that the incentive is especially great for teachers of low-achieving students. If teachers of low-achieving (in general, low socioeconomic background) students gave some aid to students, for example, by allowing more time, then this could produce the differential effect found for children from different social backgrounds.

There is an addendum to all this. Recognizing the important implications of Heyns's study, four researchers—Alan Ginsburg, Keith Baker, David Sweet, and Alvin Rosenthal (GBSR)—carried out a replication of her study, presented in a paper at the American Educational Research Association meetings in April 1981. They measured mathematics and reading achievement, and their findings only partly support Heyns's. First, they find, as she does, a basic effect of schooling: Children learn more during school than when school is out. Second, their results show that the schooling effect is greater for mathematics than for reading (and there is some indication that this mathematics-reading difference is greater for whites than for blacks or hispanics). In these early grades in school (Heyns uses fifth and sixth grades; they use fourth through sixth grades), there appears to be something around 30 percent to 70 percent more learned per month in mathematics during school than when school is out (using GBSR's data), and around 10 percent more (GBSR's data) to 40 percent more (Heyns's data) learned in reading.

But GBSR's analyses do not replicate Heyns's finding that the summer-winter differential is greater for students from low socioeconomic backgrounds than for students from high socioeconomic backgrounds. Thus, according to their results, the importance of school is *not* greater for students from low socioeconomic backgrounds and minorities than for those from higher backgrounds. School, according to their results, does not have the equalizing effect that Hayes and Grether found and that Heyns now finds.

THE last word is yet to come, but it does seem clear that schooling has a demonstrable effect, discovered through this summer-winter comparison, and it appears that the effect may differ for different basic cognitive skills. What is not yet clear is just how much, if at all, the different environments of different social groups

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outside school affect the out-of-school learning, and thus how much (if at all) school has an impact on reducing the achievement gap that would exist in the absence of schooling. Yet the research tool finally seems to be available to examine this in a careful, statistically sound way—through the use of the summer-winter differentials. What is necessary is research explicitly designed for this purpose, with tests administered in the fall and spring by disinterested test administrators, on a sample large enough and diverse enough to answer the questions still in dispute.

It is perhaps appropriate to add a word about the more general use of the "summer interruption" of schooling in educational evaluation. This method appears promising as a way of overcoming the problems of "selection bias" in comparing effects of different educational settings. For example, in recent work I have compared achievement in public and private schools, with great efforts to remove the selection bias inherent in attendance at private schools. If one were to introduce as a statistical control for what is learned during the school year *the amount learned during the summer*, many of the problems of selection bias would be overcome simply because we would measure what the children learn when they are out of school. This provides a comparison base, for two children who learn the same during the summer should be expected to learn the same during the winter *if* their school programs are equally effective. The methodological innovation that is exhibited in Heyns's study—that is, using the summer as a control—may thus prove as valuable to the study of schooling as her results are to our knowledge of the effects of schooling.

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CURRENT READING

Office of Sour Grapes

In the 1960's a procedure was established by which federal employees could file formal complaints about discrimination on the job. What is the status of this institution today? The *Washington Monthly* of June 1981, in an article entitled "A Selection of Fine Whines: Sour Grapes are Spoiling the Federal Anti-Discrimination System," shows the depths of pettiness and waste to which this once worthy effort has sunk.

The author, Nell Minow, is a lawyer in the Office of Civil Rights of a large, unnamed federal agency. According to Ms. Minow, the great bulk of discrimination complaints tend no longer to involve the important issues that the process was instituted to protect. Now, battles once fought at the water cooler are fought in the courtroom, where they cost much more and have more far-reaching consequences. One employee filed a discrimination complaint because his supervisor criticized him for admittedly disobeying her instructions. Another filed a claim of "age-discrimination" because his supervisor called him old-fashioned.

But the real news is not that a few bad apples are spoiling a good program, it's how many abusers there are, who they are, and how the institution encourages them. Minow reports that at the time she wrote, 40 of the 120 complaints pending against her agency had been filed by employees of the agency's Office of Civil Rights, against that office itself! (This means, in other words, that 33 percent of the discrimination complaints were filed by less than one-half of 1 percent of the agency's employees.) She attributes the exceptionally troublesome OCR staff to three things. First, in federal agencies, staff for new offices is taken from existing offices. She writes: "Naturally, managers of existing offices do not want to get rid of their best people; on the other hand, they are dying to get rid of their nincompoops and malcontents, since under civil service rules such people can rarely be fired." Second, OCR's feel a particular urgency to place minorities in leadership positions; this sometimes leads them to appoint unqualified people. But the third factor is the killer: "OCR employees, who administer the discrimination-complaints process, know better than anyone else how easy it is to manipulate the system."

Strangely, though, it does not seem as if these "abusers" *are* manipulating—legally misusing—the system. From Minow's description

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of the filing process it seems as if they are in keeping with the spirit, as well as the letter, of the law. The process seems intended to encourage light-minded filing. The law is not impartial, but radically stacked toward outcomes which favor the complainant. Employees file, Minow asserts, because "the advantages of filing a complaint are many, and the disadvantages, if any, are few." The so-called abusers of the system are in fact doing exactly what the system wants them to do.

To start with, it is tempting to file because the rules for government personnel management are so complicated that "there are few events which occur in federal personnel management that are completely in accord with all applicable rules." When the employee does file, he has seemingly endless opportunities to press his case, an advantage not shared by the Alleged Discriminating Official (ADO). "Appeals proceed up the ladder only when each rung is a finding of no-discrimination, since if discrimination is found the complainant wins and the process stops."

Throughout the process—which may take years—the system bends over backward to protect the complainant, frequently at the cost of tying the ADO's hands. The complainant can file not only for discrimination, but for "reprisal," an allegation that he was harassed because of his original complaint. Minow writes:

> As soon as his complaint has been filed, anything [he] doesn't like can be the excuse to file a complaint of reprisal. Employees have filed reprisal complaints protesting the terrible injustice of being assigned work, alleging that work interferes with the time they need to prepare evidence of their original complaint . . . Federal employees earning full salary have claimed that assigning them work—*any* work—constitutes discrimination, and have demanded years of exemption from *any* reprisals. Discrimination complaints have become a form of extortion.

The ADO, on the other hand, although his offense is at this point only "alleged," is stigmatized, without protection, by the accusation against him. And because the Equal Employment Opportunity Commission (EEOC) characterizes the investigation of discrimination complaints as a non-adversarial process, it has been able to establish "procedural rules that are almost draconian in their denial of due process to those accused of discrimination." Agency lawyers represent ADO's, but are not permitted to advocate their positions. ADO's are not allowed to review the charges or to attend the hearing at which the complainant speaks against them. They may not appeal a finding against them at any stage of the process. And although the complainant's action is formally against the agency, not against an individual, the career of the individual is damaged by a finding of discrimination.

As Minow points out, the worst effect of this process is that no matter how ridiculous the accusation, each case is extremely lengthy; this so clogs the system that legitimate complaints must stand in

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line and wait. If, that is, they are filed at all. People of pride who have legitimate complaints are often unwilling to associate themselves with a corrupted means of redress.

Ms. Minow has some suggestions: "some simple steps that would uncomplicate things." She suggests eliminating agency OCR's and submitting all complaints to a single office, such as the EEOC. This would make the process less redundant. She suggests eliminating or restricting a few levels of automatic appeal. She suggests that ADO's be fully informed of the charges against them, and permitted to respond. Finally, she suggests that worthless complaints be weeded out by an objective third party. This last is perhaps her most important suggestion. There might just be a point at which bureaucracies can stop treating *everyone* alike.

—*Rachel Flick*

Tapping the Subconscious

With crime on the increase and, some would assert, the latitude for its solution ever more restricted, police find themselves exploring new tools of deduction. Hypnosis, though used for many years by the FBI, is now the focus of controversy, despite the fact that many claim it is a technique which "could be as important as fingerprinting." *The Economist*, in its August 22, 1981 issue, explores the question.

> The hypnotists are not medical specialists but policemen, trained usually in only two, three or four days of classes, from which they graduate with the new title of hypno-technician.
>
> Not surprisingly, the use of hypnotism as an aid to police work has provoked much controversy. Supreme courts in Minnesota (May, 1980) and Arizona (last February) have ruled against admitting court testimony from a previously hypnotised witness. Similar cases are pending before the California supreme court, which must decide if, as the Arizona opinion put it, a witness' recollection enhanced by hypnotism has been "tainted."
>
> Recent scholarly writing on the subject has asserted that people under hypnosis are "prone to experience distortions of reality, false memories, fantasies and confabulations (filling in memory gaps with false memories or inaccurate bits of information)." Others can establish such a close relationship with the hypnotist that they subconsciously seek to give more information than they have. Both courts considered such opinions before ruling against hypnotism.
>
> Medical circles have also been critical. They object to "amateurs" dabbling in hypnotism. The Society for Clinical and Experimental Hypnotism and the International Society of Hypnotism both disapprove of the new hypno-technicians-in-blue. Bent on solving crime, they say, the police may inadvertently bias the subjects' memories.
>
> The results of hypnotic sessions need not be used primarily as courtroom evidence. They can be more useful for piecing together vital clues which help to solve crimes. Los Angeles has used hypnotism

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in some 600 cases over the past five years. In one recent kidnapping a hypnotised six-year-old boy gave useful clues to the kidnapper's identity. In another kidnap case, a bus driver, under hypnosis, recalled the license number of the kidnappers' car, which led to arrests and convictions.

Some police insist that under hypnotism a person speaks "direct from his subconscious, and cannot lie." But that is an extreme view. Most police forces are more modest about hypnotism's usefulness, and try to ensure it is done fairly. Police departments in San Francisco, Los Angeles and other big cities conduct their sessions under a set of rules designed to eliminate bias: a third person present, with the whole session recorded and available as evidence if required.

Why We Whistle While We Work

If it is no longer to be believed that hard work gets us closer to heaven, and if Philip Reiff is right that the language of "the therapeutic" has supplanted the language of faith in society, will it ever be possible to support a "work ethic" again? Research by a doctor and a social worker at Harvard University suggests that it just might if we begin to understand the psychological benefits of hard work. In "Work Habits in Childhood Found to Predict Adult Well-Being" (*New York Times*, November 10, 1981), Dava Sobel writes that researchers are finding that industry is very good therapy.

> The willingness and capacity to work in childhood is the most important forerunner—more than native intelligence, social class or family situation—of mental health in adulthood, according to the results of a newly published study.
>
> Among more than 450 white men from working-class families who were tested and interviewed periodically over a 35-year period, those who had been industrious as youngsters turned out to be the most well-adjusted adults and to have the most successful work lives and the most satisfying personal relationships, the study in The American Journal of Psychiatry showed.
>
> A related conclusion of the report is that the capacity for adult work —even if this capacity is defined by something "as crass as wages and unemployment"—is closely related to both mental health and the capacity to love.
>
> The authors, Dr. George E. Vaillant of Harvard Medical School and his wife, Caroline O. Vaillant, a social worker at University Health Services in Cambridge, Mass., see far-reaching implications in these findings.
>
> "Sociology should pause before it seeks the sole etiology of poverty and unemployment in external factors," they said in the article. "The sources of job failure do not always rest on ignorance, dropping out of school, the absence of a trade or faulty knowledge of the job market. Being chronically unemployed often has more to do with chronic depression and emotional instability than with prior training and ability."
>
> In an interview, Dr. Vaillant said it was very likely that among

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blacks, women and other groups denied equal access to jobs, the predictive value of childhood industriousness would be less powerful.

The men were originally selected and questioned as part of a large-scale investigation into the origins of juvenile delinquency begun in Boston in 1940 by Sheldon and Eleanor Glueck of Harvard University, both of whom are now dead. The Vaillants took over the data during the late 1960's and are continuing to follow the men to assess other aspects of their lives, including drinking patterns and general physical health.

Nearly 1,000 youths 11 to 16 years old from blue-collar families, predominantly the sons of foreign-born laborers with little education, took part in the study—500 whose criminal behavior had landed them in reform schools, and 456 from the same crime-ridden, inner-city neighborhoods who had similar intelligence levels and ethnic backgrounds but had never been arrested . . .

Dr. Vaillant said in the interview that industriousness alone was by far the most important factor in predicting mental health in adulthood. It was considerably more powerful than having a strong family background, for instance, when that was viewed alone. There were even cases in which boys showed early industriousness and went on to reap its promise despite very weak home environments as children.

The extremely high or low scorers on the scale provided the most striking evidence for the predictive power of industriousness when the surviving subjects were interviewed again at the ages of 25, 31 and 47.

By the time of the last set of interviews, the 45 men who had been the most successful at work in childhood turned out to be twice as likely to have warm relations with a wide variety of people and five times more likely to be well paid for their work. They were 16 times *less* likely to have experienced long-term unemployment.

The 67 men who had the lowest industry scores, on the other hand, were 10 times more likely to be rated as emotionally disabled on the assessment scale used by the Vaillants and their colleagues. Twelve of them died before the age of 47, giving this group a much higher mortality rate than the high scorers.

"The mental health profession," Dr. Vaillant concluded, "must learn what vocational counselors already know well, namely that what we do affects how we feel just as much as how we feel affects what we do. Work plays a central role in an individual's life, and psychiatry must remember that work has as much to do with health as it does with middle-class conformity."

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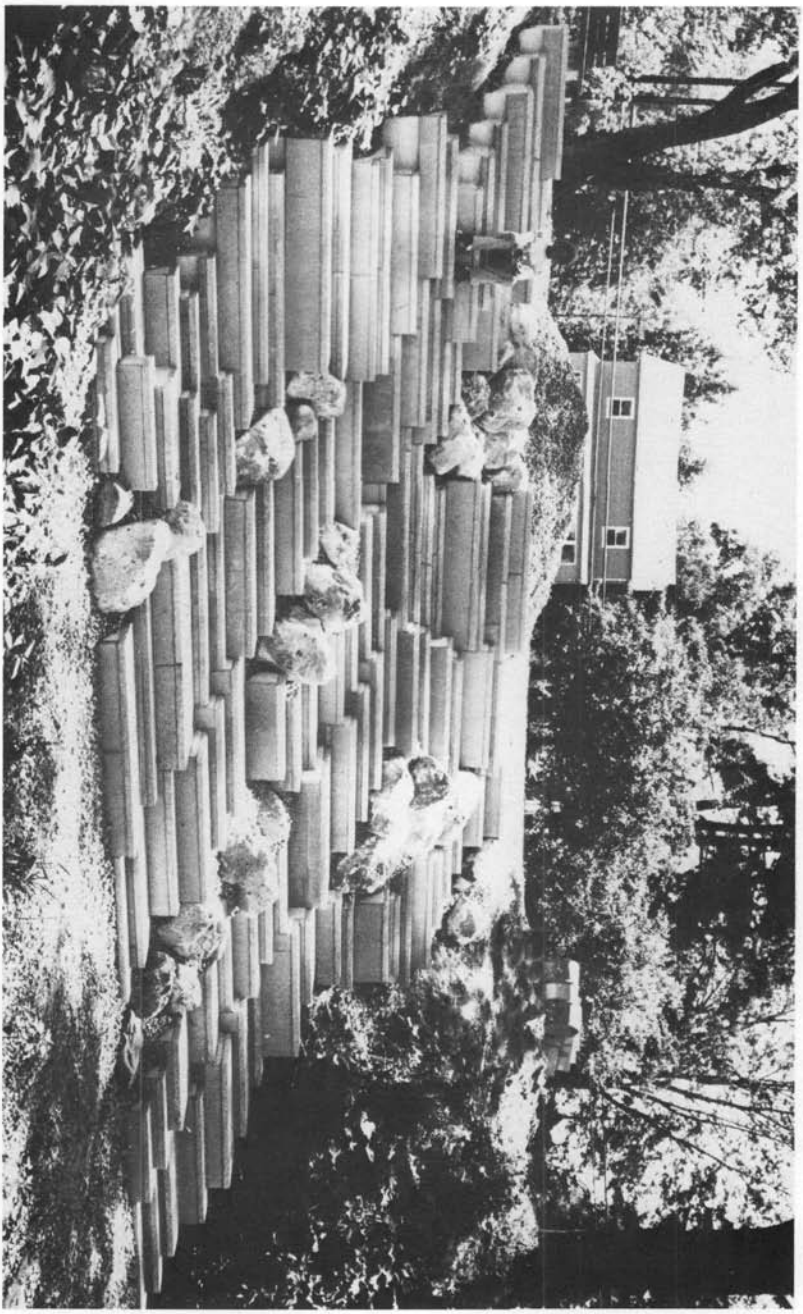

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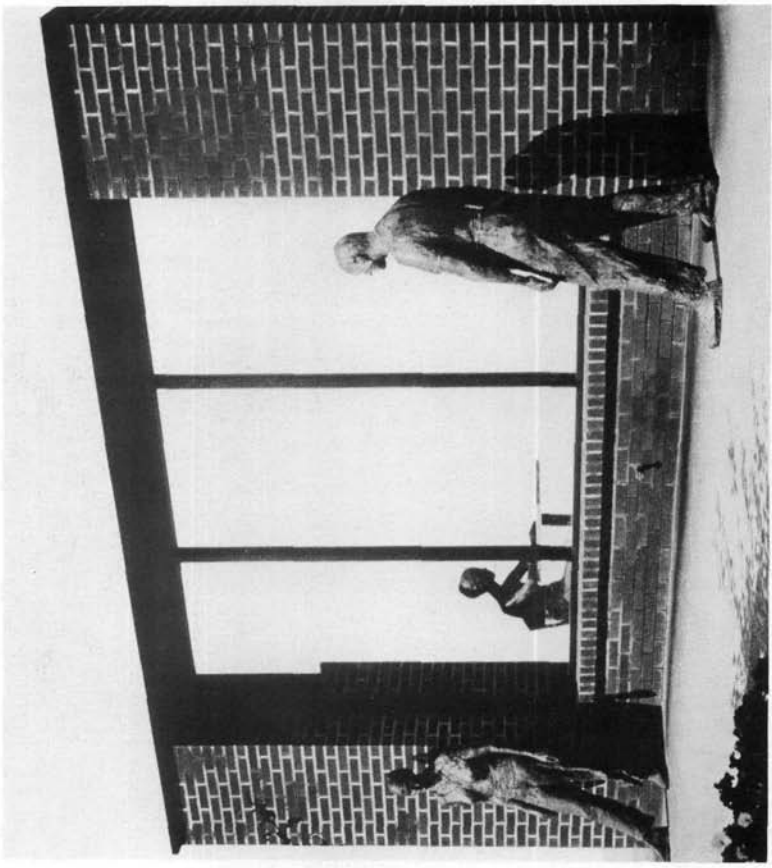

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